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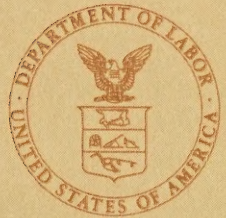
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*Annual Digest of*

STATE AND FEDERAL  
LABOR LEGISLATION

1963



U.S. DEPARTMENT OF LABOR

W. Willard Wirtz, *Secretary*

BUREAU OF LABOR STANDARDS

Nelson M. Bortz, *Director*





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1901

Annual Report of

# STATE AND FEDERAL LABOR LEGISLATION

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U.S. DEPARTMENT OF LABOR  
BUREAU OF LABOR LEGISLATION

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## **FOREWORD**

This bulletin is the twenty-seventh issue in a series of annual digests of labor legislation. The present publication covers laws enacted by the State legislatures in 1963 and the Eighty-eighth Congress of the United States (First Session).

Digests of State unemployment and temporary disability insurance acts were prepared by the Bureau of Employment Security, women's laws by the Women's Bureau, and Federal acts by the Solicitor's Office of the Department.

This bulletin was prepared by Sylvia R. Weissbrodt, of the Legislative Standards Branch, under the general direction of Milton Brooke, Chief, Division of State Services and Standards, Bureau of Labor Standards.





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## INTRODUCTION

New or improved labor laws on a broad range of subjects were passed in 1963, when the legislatures of 47 States <sup>1/</sup> and Puerto Rico met in regular session. Six States increased their statutory minimum wage rates, four strengthened their wage payment and collection laws, two passed equal pay laws, and twelve approved measures relating to wages on public works. Various forms of discrimination in private employment were prohibited in seven States. Other significant measures included an anti-injunction act in Hawaii, anti-strikebreaking laws in Hawaii and Rhode Island, collective bargaining laws for public employees in Connecticut and Oregon and for hospital employees in New York City, the regulation of housing and sanitation in migrant labor camps in North Carolina and Oklahoma, a new North Dakota law regulating private employment agencies, the regulation of occupational hazards in several States, and various enactments relating to occupational training. Twenty-three States increased cash benefits under their workmen's compensation laws, and ten increased maximum weekly unemployment insurance benefits.

Apprenticeship.--Delaware enacted an apprenticeship law, and created in the labor department an Apprenticeship and Training Council to establish apprenticeship standards, supervise agreements, and study the problem, among others, of training the unemployed. Closer co-ordination of apprentice programs with labor departments were provided in Hawaii, Maine, and Montana. Colorado extended its antidiscrimination law to apprentice programs, and Maine required nondiscrimination provisions in apprenticeship agreements. Utah lowered the minimum apprenticeship age from 16 to 15 years.

Child Labor and School Attendance.--Colorado made extensive changes in its child labor and school attendance standards by repealing its former laws and enacting new ones. Child labor changes included raising the minimum age from 14 to 16 years for employment during school hours and for factory employment at any time, and a 12-year minimum age newly set for work in agriculture. The new school attendance law dropped the former exemptions (including one for 14- or 15-year olds who had finished the 8th grade), and substituted new exemptions for high school graduates under 16, participants in work-study programs, and certain others.

Wyoming for the first time directly set a 16-year minimum for employment during school hours, retaining the 14-year minimum for most employment outside school hours. A Texas amendment raised from 12 to 14 years the minimum age at which a needy child may obtain a work

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<sup>1/</sup> All but Kentucky, Mississippi, and Virginia.

permit and also brought agriculture under coverage of all provisions. (However, the age and permit provisions of the Texas law do not apply between June 1 and September 1.) Nebraska brought restaurants and drive-ins under coverage of all child labor provisions; formerly, these establishments were subject only to the 14-year minimum age provision for during-school-hours employment.

Six States (Arkansas, Colorado, New York, Ohio, Utah, and Wyoming) permitted some minors to work later at night than previously. For example, girls of 16 and 17 years of age in Arkansas may work until 10 p.m., rather than 9 p.m.; boys of 15 and girls of 15-17 years in Utah are no longer subject to nightwork regulation.

New Mexico transferred administration of its child labor law from the Department of Public Welfare to the Labor and Industrial Commission.

Rhode Island amended its workmen's compensation law to require triple (rather than double) compensation for a minor injured while illegally employed. Newsboys would be affected by a Nevada amendment which in effect requires publishers or distributors to provide workmen's compensation insurance for certain persons who sell or deliver newspapers to the public under agreement with the publisher or distributor. Oregon created a Special Injury Fund to provide benefits for mentally retarded minors who are injured in the course of non-remunerative on-the-job training under special school programs. (See also Training and Retraining.)

Discrimination in Employment.--Laws prohibiting discrimination in employment on the basis of race, creed, color, or national origin were passed for the first time in Hawaii, Iowa, and Vermont; Indiana made mandatory its former voluntary law; and Colorado, Connecticut, and Maine took action to prevent discrimination in apprenticeship programs. There are now 26 jurisdictions <sup>2/</sup> with mandatory laws prohibiting racial or religious discrimination.

An Oregon amendment strengthened its existing law, and amendments in Alaska, Michigan, and New Jersey affected administration of their laws.

Oklahoma created a Human Rights Commission and directed it, among other duties, to assist industry in promoting full opportunity and to conciliate complaints.

Emergency Relaxations.--Massachusetts extended for two more years its act authorizing the labor commissioner to permit relaxation of certain labor laws during emergencies.

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<sup>2/</sup> Alaska, California, Colorado, Connecticut, Delaware, Hawaii (effective 1/1/64), Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Washington, and Wisconsin.

Hours of Work.--Idaho dropped its 9-hour maximum for females, requiring instead payment of time and one-half after 8-48; and Rhode Island modified its 9-48 law by permitting women to work 10-52 in approved cases of temporary need if time and one-half is paid after 48 hours.

Illinois, Indiana, and Ohio adopted or revised hours provisions for motor vehicles operators.

Industrial Homework.--Washington extended its sanitation and ventilation requirements for factories and workshops to apply also to private houses in which employees live if industrial homework is done therein, formerly specifically exempt.

Industrial Relations.--Hawaii passed an anti-injunction act, patterned after the Federal Norris-LaGuardia Act. This is the first such enactment since 1947 (when the Puerto Rico act was passed), making 26 jurisdictions <sup>3/</sup> with such a law. Massachusetts amended its act by limiting to 1 year the effective period of a permanent injunction in a labor dispute case; it may be renewed only after a new hearing and findings of fact.

New York granted collective bargaining rights to employees in nonprofit hospitals and residential-care institutions in New York City by extending coverage of its labor relations act to such employees. Hawaii expanded its labor relations act to cover employers of two or more employees, instead of eight or more as before. An amendment to Colorado's act made it an unfair practice for a union or employee to encourage a strike or use any other means to prevent the use of cost-reducing equipment or material.

Idaho conferred additional authority on its labor commissioner in representation elections, barred another election for one year after a valid election has been held, and specifically required good faith bargaining when the commissioner has designated a bargaining agent.

A growing body of law is developing pertaining to employer-employee relationships in public employment. In general, these laws recognize the right to bargain collectively, require arbitration, and prohibit strikes. This year, measures were approved in Connecticut, Oregon, and Rhode Island (for policemen only). Missouri made provision for the arbitration of disputes among

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<sup>3/</sup> Arizona, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Washington, Wisconsin, and Wyoming.



firemen, and Illinois authorized local government agencies to provide for the withholding of union dues. A New York amendment effective until July 1, 1965, modified the conditions of reemployment of public employees whose employment has been terminated because of prohibited participation in a strike. In addition, Washington authorized collective bargaining by employees of public utility districts.

Rhode Island prohibited the use of professional strikebreakers, and a Hawaii law banned various strikebreaking practices, including the use of professional strikebreakers.

California and Oregon prohibited the use of lie detector tests as a condition of employment and Massachusetts strengthened its existing ban. Illinois and New Mexico required the licensing of persons who administer such tests, i.e., polygraph operators.

California required employers to furnish an employee, on request, an annual statement of employer payments into welfare funds. An Oregon measure made the business assets of an employer who fails to pay his required contribution into an employee benefit plan subject to an employee's lien. Rhode Island extended coverage of its law regulating "employee's trusts" created by employers to cover also trusts created under apprentice programs and trusts created by a labor union. A Connecticut amendment permitted fund trustees to satisfy the existing State requirement for an annual statement by filing a duplicate of a comparable statement submitted to a Federal agency.

Five more States, Arkansas, Florida, Nebraska, New Jersey, and North Carolina (in addition to last year's enactments in Georgia, Kentucky, Mississippi, South Carolina, and Virginia), prohibited "piggyback" payments to organizations. In effect, these laws prohibit special payments by shippers or carriers for the rail transportation of highway trailers.

Wyoming became the first State in 5 years to pass a "right-to-work" law and the 20th <sup>4/</sup> to have such a law of general application.

Migratory Workers.--A North Carolina statute set statewide mandatory standards regulating housing and sanitation in migrant labor camps, and an Oklahoma law authorized its health department

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<sup>4/</sup> The 20 States are: Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. In addition, Louisiana has a law that applies only to agricultural labor and those engaged in the processing of certain agricultural products.



to set such standards by regulation. There are now 30 States <sup>5/</sup> with laws or mandatory regulations of this type. Illinois added to its present law an additional set of camp standards, and made each set applicable in accordance with the number of persons housed in the camps and the period of time the camp is operated.

A California law, declaring a need for housing centers for agricultural workers in order to assure a supply of workers when needed, empowered local housing authorities to acquire such housing projects and operate them on a rental basis. Other California enactments required each licensed farm labor contractor to furnish statements to workers showing wage deductions, and to have records available for inspection by his workers and the grower showing his own rate of pay and that of his workers.

The education of migrant children would be affected by a Wisconsin revision which authorized school boards to accord resident status, for the purpose of attending summer classes, to children living in the district during the summer. New York made its school bus vehicle law applicable also to buses used in transporting migrant children to and from child care centers.

Occupational Safety and Health.--The regulation of hazards resulting from the peaceful use of atomic energy continues to predominate in this field of legislation. Alabama, Missouri, Nebraska, and Nevada laws provided for State control of radiation hazards, designating the State health department as the regulatory agency. Kansas and New Hampshire enacted more comprehensive radiation control laws than formerly, Illinois and North Carolina strengthened existing provisions, and Florida authorized the State Fire Marshal to regulate the transportation of radioactive materials by private carrier. Maryland became the 12th of the 16 eligible States to join the Southern Interstate Nuclear Compact, organized to promote the development of nuclear energy projects. <sup>6/</sup> In addition, ten States (Alabama, Illinois, Kansas, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, and Wisconsin) authorized their Governors to enter into agreements with the Federal Government to transfer to the State certain radiation control responsibilities, in accordance with a 1959 Federal act which permits the Atomic Energy Commission to approve a transfer if the State's regulatory program is adequate. To date, 27 States have granted their Governors such authority. Thus far, agreements for transfer have been concluded by the Commission with Arkansas and Texas in 1963, and with California, Kentucky, Mississippi, and New York in 1962.

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<sup>5/</sup> Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Iowa, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>6/</sup> The 12 States are: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Texas, and Virginia.

Other types of safety measures were approved in Arkansas and Oklahoma for work near high voltage conductors, in New York for low pressure boilers and for ski tows and other passenger tramways, in Massachusetts for refrigeration or air conditioning systems, in Arkansas for elevators, in Michigan for the construction industry, and in Ohio for eye protection in public school vocational programs. A New Hampshire amendment added mines, quarries, and building and construction occupations to the coverage of its safety law, and also made the expanded law applicable where one or more persons are regularly employed, instead of three or more as before.

Older Workers.--Nebraska enacted a law prohibiting employment discrimination because of age and Hawaii included a similar prohibition in its newly enacted fair employment practice act, making 18 jurisdictions <sup>7</sup>/that bar age discrimination in employment. Oregon added to its existing ban a prohibition against expressing an age limitation in advertisements or pre-employment applications.

Private Employment Agencies.--A North Dakota law, to be administered by the attorney general, regulates private employment agencies for the first time, raising to 47 <sup>8</sup>/the number of jurisdictions that have some regulation of such agencies. New York, whose existing law had been administered locally up to this time, transferred administration to the State labor commissioner for all areas except New York City. A Texas amendment made its maximum placement fee applicable only to cases where earnings are \$750 a month or less. Florida amendments included an extension of coverage to charitable institutions, and Missouri extended coverage of its regulatory law to theatrical booking agents.

Temporary Disability Insurance.--Only two of the four States with temporary disability insurance programs amended their laws in 1963. California increased its minimum weekly benefit amount from \$10 to \$25 and permitted self-employed individuals to elect coverage. Rhode Island increased from 12 to 14 weeks the period during which a claimant, unemployed due to illness resulting from pregnancy, may receive benefits.

Time Off For Voting.--Minnesota restricted the application of its time-off-for voting law to a statewide general election and Congressional elections; formerly it was applicable to any election.

Training and Retraining.--Enactments in a number of States show a variety of efforts to cope with the training needs of both young persons and adults.

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<sup>7</sup>/ Alaska, California, Colorado, Connecticut, Delaware, Hawaii (effective 1/1/64), Louisiana, Massachusetts, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Washington, and Wisconsin.

<sup>8</sup>/ All but Alabama, Mississippi, New Mexico, South Carolina, and Vermont.

Several laws instituted or strengthened vocational or technical education programs. For example, Tennessee authorized the establishment of a statewide system of area vocational technical schools for all persons, including school dropouts and Florida authorized counties and paired counties to establish such centers.

Connecticut, Florida, Hawaii, Vermont, and Washington promoted on-the-job training programs in various ways by amendments to their apprenticeship laws, as did Delaware in its new law. California created a Commission on Manpower, Automation and Technology to study, among other subjects, the effectiveness of job training programs.

Hawaii authorized conservation employment programs for men, to be activated when the unemployment rate in a county remains at 6 percent or higher for 3 months, and also provided advance authority to participate in any Federal youth conservation corps or youth employment programs. Idaho made permanent its summer conservation camp program for boys 14-17 years old, started in 1961 as a pilot project.

Unemployment Insurance.--Amendments to State unemployment insurance laws were adopted by all but 6 9/of the States that met in 1963. These enactments continued the trend toward higher maximum weekly benefit amounts, accompanied by increases in the amount of wages required to qualify for minimum benefits, more restrictive disqualifications, less liberal duration of benefits for some eligible claimants, and reductions of the weekly benefit if the claimant receives retirement pay or old-age insurance benefits. For the first time, a State, Wyoming, reduced its maximum weekly benefit amount and another, Colorado, reduced its maximum benefit duration. Ohio and Wyoming reduced benefits paid to interstate claimants.

Coverage.--No significant changes in the coverage provisions were enacted.

Benefits.--The basic maximum weekly benefit amount was increased in 10 States and decreased in one State. The increases were: \$1 in South Dakota; \$3 in Michigan and West Virginia; \$4 in Nebraska, Oregon, and Tennessee; \$5 in Arkansas, Massachusetts, and New Hampshire; and \$7 in North Dakota. The Arkansas and North Dakota increases resulted from the enactment of flexible maximums, i. e., provisions for computing the maximum as a specified percentage of the State's average weekly wage. In addition, previously enacted flexible maximums brought about this year increases of \$1 in the District of Columbia, Idaho, Kansas, Utah, and Vermont and \$2 in South Carolina and Wisconsin. Wyoming reduced its maximum benefit by \$4 by decreasing the percentage of average wages used in computing the flexible maximum.

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9/ All except Arizona, Connecticut, Georgia, Iowa, North Carolina, and Washington.



Ohio, Oregon, and Vermont, which had until this year based the weekly benefit amount on high-quarter wages, made benefit formula changes. Wyoming repealed its dependents' allowance provision. Ohio and Wyoming reduced the weekly benefit amount payable to interstate claimants.

Duration.--Maximum weeks of duration were increased in North Dakota and Tennessee, and decreased in Colorado. Amendments to qualifying wages or other benefit provisions resulted in an increase in the minimum weeks of duration for claimants at the minimum weekly benefit amount in Utah and Wyoming and a decrease in six States (California, Colorado, North Dakota, Ohio, Oregon, and Tennessee).

Puerto Rico adopted a permanent program of extended benefits to apply when unemployment in an establishment, industry, or occupation reaches specified levels and a "special unemployment situation" is declared to exist. Benefits under this program are limited to 40 weeks and are payable only to claimants within the group affected.

Qualifying requirements.--Ten States (Arkansas, Massachusetts, Nebraska, North Dakota, Ohio, Tennessee, Utah, Vermont, West Virginia, and Wyoming) amended their laws to require higher earnings or earnings over a longer period of time in order to qualify for the minimum weekly benefit amount. To insure that workers at all benefit levels have earnings in more than one quarter of the base period, Montana and Tennessee enacted provisions requiring individuals at the maximum benefit level to have some earnings in a quarter of the base period other than the highest. Idaho and Tennessee changed their requirements of wages earned after the beginning of a benefit year for requalification for a succeeding benefit year. Delaware repealed its waiting period.

Availability.--Following the trend of recent years, Arkansas and Hawaii adopted provisions under which an otherwise eligible claimant is deemed not unavailable while attending, under specified conditions, certain vocational training courses approved by the director of the employment security agency. Illinois extended its provision, enacted in 1961, for another two years. Nebraska, which previously had exempted trainees from disqualification, amended its law to consider such individuals available for work if they are otherwise eligible for benefits.

Disqualifications.--Ten States (Colorado, Florida, Montana, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, West Virginia, and Wyoming) made changes in one or more of the three major causes for disqualification--voluntary leaving, discharge for misconduct, and refusal of suitable work without good cause.

Financing.--Amendments to the financing provisions included, in addition to the usual changes in rate schedules and other technical adjustments, increases in a number of States in the tax rate to be paid and the tax base on which it is payable.



Eleven States 10/ made increases in the maximum tax rate. In general, these increases are to become effective gradually over a period of one to five years. Five States raised the taxable wage base above the former \$3,000: Tennessee to \$3,300; Idaho, Michigan, and Vermont to \$3,600; and Utah to \$4,200.

Wage Standards.--Six States increased statutory minimum wage rates. The new rates are: Idaho--\$1; Nevada--\$1.12 $\frac{1}{2}$  for women and \$1 for girls, with the women's rate scheduled to advance to \$1.15 in September 1964; New Hampshire--\$1.15 starting January 1964 and \$1.25 in January 1965; New Mexico--80 cents for general employment and 70 cents for service occupations; North Carolina--85 cents starting January 1964. Massachusetts increased the rate for certain service workers to 80 cents until September 1964 and 85 cents thereafter. In addition, as a result of two step increases approved in 1961 or 1962, higher basic minimums of \$1.25 took effect this fall in Connecticut, Massachusetts, and Rhode Island and of \$1.75 in Alaska.

Twelve States passed laws relating to the payment of prevailing wages on public works. New Jersey transferred authority to determine prevailing wages from the contracting agencies to the labor commissioner in a newly enacted prevailing wage law with more comprehensive provisions than were formerly in effect. A Pennsylvania amendment made contracts in excess of \$25,000 instead of \$2,000 subject to its law, and required the secretary of labor, before determining prevailing rates, to consult with a newly created tripartite advisory board. New Mexico gave the labor commissioner additional responsibility in administering and enforcing its law, and California tightened its enforcement provision. Hawaii, New Hampshire, and New Jersey made provision for including certain fringe benefits in establishing prevailing rates. Other enactments dealt with extended coverage in Connecticut, Maryland, and Wisconsin; apprentice rates in Florida and Washington; and a request for a study of the existing law in Texas.

Wage payment and collection laws were strengthened in four States. Coverage was extended in New Hampshire and Vermont and clarified in Hawaii. Each of these States also made other changes. California enacted stronger administrative and enforcement provisions. Hawaii and New Hampshire also dropped the monetary limit on the amount of a worker's claim for unpaid wages that can be assigned to their labor commissioners for collection purposes.

Washington raised the amount of wages exempt from garnishment and extended its law to apply specifically to women and to certain other persons. Delaware also extended the application of its law by expanding the definition of wages.

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10/ Arkansas, Florida, Hawaii, Idaho, Michigan, New Hampshire, New Mexico, Ohio, Vermont, Wisconsin, and Wyoming.

Missouri enacted an equal pay law and Vermont included an equal pay provision in its new law barring employment discrimination. There are now 24 States 11/ with equal pay laws.

Workmen's Compensation.--Cash benefits were increased in 23 States--in 17 of these for all types of disability and death; in the remaining 6, for one or two types of benefits. The usual increase ranged from \$2 to \$5 a week. Maximum weekly benefits for temporary total disability--the most frequent type of compensation payment--are now set at \$55 or more in 16 States, the District of Columbia, and under the two Federal laws, at \$40 but less than \$55 in 19 States, and at less than \$40 in 15 States and Puerto Rico.

Minimum weekly benefits were raised in 10 States for one or more types of disability, usually by \$2 or \$3, and were set for the first time in Arizona.

Five States (Alabama, Georgia, Indiana, New Hampshire, and Rhode Island) made varying extensions in the duration of benefit payments for certain schedule injuries, and nine States increased burial benefits (Georgia, Indiana, Iowa, Nebraska, New Hampshire, New Mexico, Tennessee, Vermont, and Wisconsin).

Twelve States removed or liberalized former limitations on medical benefits. Iowa dropped its limitation entirely; Florida, Indiana, and Maine provided for unlimited benefits by statute instead of relying on individually authorized continuances; and Alabama, Colorado, Georgia, Kansas, New Hampshire, New Mexico, South Dakota, and Tennessee extended their time or aggregate dollar limits, or both.

Other types of benefit changes included increases in 13 States in the aggregate total amounts payable for one or more types of disability; a change in New Hampshire from such statutory limitation to discretionary continuance of benefits; and changed waiting period provisions in Georgia and Maine to entitle the worker to benefits from the first day of disability if the disability lasts a specified number of days. Alaska, Hawaii, and Utah, expanded their rehabilitation provisions.

Eight States made improvements in various provisions that affect workers who are disabled from radiation disease: by expanded coverage in Arkansas and North Carolina; by liberalized time limits for filing claims in Arkansas, Georgia, Illinois, Kansas, North Carolina, South Carolina, and Wisconsin; and by dropping requirements in Iowa and South Carolina which formerly made compensability for radiation contingent on the disability or death occurring within a specified period of time after injury.

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11/ Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Maine, Massachusetts, Michigan, Missouri, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin, and Wyoming.

Arizona and Maryland changed from limited to broad subsequent injury coverage; in both States the pre-existing injury now includes any impairment whether or not caused by an industrial injury.

A number of States extended coverage of their laws to certain public employees; for example, to public health and public school nurses in Wyoming, and to legally organized rescue squads in Wisconsin.

Colorado provided for a reduction in workmen's compensation benefits if periodic disability benefits are payable to a worker under the Federal old-age, survivors, and disability insurance program. The Florida legislature adopted a resolution memorializing the U. S. Congress to amend the Social Security Act to provide for a reduction in Federal disability benefit payments for workers concurrently receiving State workmen's compensation disability benefits. Seven other States (Arkansas, Illinois, Idaho, Indiana, Iowa, North Carolina, and Wyoming) all adopted similar resolutions in 1963, registering their opposition to Federal legislation which intrudes on State workmen's compensation systems, as did Virginia in 1962.

Federal Legislation.--An Equal Pay Act was enacted as an amendment to the Fair Labor Standards Act prohibiting wage discrimination on the basis of sex within an establishment for equal work. Amendments to the Manpower Development and Training Act included provision for a new testing and referral program for youths 16 years and older, and authorization for basic education programs for all eligible persons. The Mexican farm labor program was again extended until December 31, 1964.

Several significant education acts were approved, among them comprehensive amendments to the Federal vocational education program providing Federal grants to the States for improved and expanded programs, a Higher Education Facilities Act providing Federal funds for the construction of institutions of higher education, and extension of the National Defense Education Act for another year.





# ALABAMA

[Regular Session 5/7/63--9/6/63]

## OCCUPATIONAL SAFETY AND HEALTH

Act 582 (Approved 9/16/63; provisions for control of by-product, source, and special nuclear materials to be effective upon execution of a Federal-State agreement; provisions for control of other radiation sources to be effective upon approval by Governor). Designates the State Board of Health as the State Radiation Control Agency and empowers it to inspect radiation sources. Directs the agency to provide by regulation for the licensing of by-product, source, and special nuclear materials or devices, and authorizes it to require registration of radiation sources not requiring specific licensing and to require compliance with safety standards. Also directs the agency, among other duties, to adopt rules and regulations relating to control of radiation sources; evaluate radiation hazards; and to require that certain records be kept, including records showing radiation exposure of individuals for whom personnel monitoring is required. Directs the agency to adopt regulations, compatible with those of the U. S. Atomic Energy Commission, pertaining to reports of exposure of personnel, including periodic, terminal, and excess exposure reports to employees.

Authorizes the Governor to enter into an agreement with the Federal Government for transfer to the State of certain responsibilities for control of radiation sources. Authorizes the agency to enter into agreements with the Federal Government, other States, or interstate agencies, for cooperative inspections or performance of other radiation control functions. Authorizes the agency to institute training programs to qualify personnel and to make such personnel available for participation in programs of the Federal Government, other States, or interstate agencies.

Creates a Radiation Advisory Board of Health of 9 members, appointed by the Governor, from the fields of radiology, medicine, radiation or health physics, and applied sciences. Provides that the board shall review and evaluate policies and programs of the State relating to ionizing radiation, and act as an advisory group to the State Board of Health.

WORKMEN'S COMPENSATION

Act 578 (Approved 9/16/63; effective 10/1/63). Raises from \$33 to \$38 the maximum weekly benefits for all types of disability and death, from \$5 to \$15 the minimum weekly benefits; and from \$13,200 to \$15,200 the total maximum benefits.

Increases the benefit period for certain permanent partial schedule injuries. For example, loss of an eye from 100 to 124 weeks; loss of a hand from 150 to 170 weeks; loss of a foot from 125 to 139 weeks; loss of a leg from 175 to 200 weeks; complete and permanent loss of hearing in both ears from 150 to 163 weeks.

Increases from \$1,800 to \$2,400 the employer's total liability for medical, surgical, or hospital services. Extends from 1 to 2 years the period for which an employer is liable for medical services.

Newly provides that a permanently and totally disabled employee with no dependents who is an inmate of a public institution shall not be deprived of benefits to which he would otherwise be entitled if he is paying, or there is being paid on his behalf, the normal and customary charge for services rendered by the public institution.

ALASKA

[Regular Session 1/28/63--4/13/63]

DISCRIMINATION IN EMPLOYMENT

Ch. 7. See Older Workers.

Ch. 15 (Approved 3/19/63; effective 90 days after approval). Creates a State Commission for Human Rights, composed of 5 members, to be appointed by the Governor with the approval of the legislature.

Authorizes the commission to receive complaints by aggrieved persons under specified anti-discrimination laws, including the equal pay law, the fair employment practices law, and the age discrimination law, and to initiate such complaints. (The existing authority of the labor department to enforce these laws is not affected by this act.)

Specifies that after investigation the commission shall try to eliminate the discrimination by conference, conciliation, and persuasion; authorizes the commission, if such attempt fails, to order the accused to refrain from discriminatory conduct, and to prescribe conditions on his future conduct. Specifies that compliance with such order bars criminal prosecution for the acts involved.

OLDER WORKERS

Ch. 7 (Approved 3/7/63; effective 6/5/63). Makes the law prohibiting age discrimination applicable to political subdivisions of the State or their agencies, by including these under the definition of "employer." (The law already applied to the State or its agencies, and to private employers.)

Ch. 15. See Discrimination in Employment.

TRAINING AND RETRAINING

Ch. 73 (Approved 4/19/63; effective 7/1/63). Authorizes additional grants under the "Aid to Families of Dependent Children Act" for the purpose of retraining a parent or relative, if there is substantial likelihood that this will result in the State's being relieved of the support of the dependent child.

WAGES--EQUAL PAY

Ch. 15. See Discrimination in Employment.

WORKMEN'S COMPENSATION

Ch. 74 (Approved 4/19/63; effective 4/20/63). Provides that medical benefits shall include physical rehabilitation and treatment for the fitting and training for use of such devices as may be required. Amends definition of "physician" to include dentists and optometrists. Adds to the prosthetic devices already specified, eyeglasses, hearing aids, dentures and other devices, and also repair or replacement necessitated by ordinary wear. Specifies that in addition to the benefits already provided for rehabilitation from the subsequent-injury fund, a worker being rehabilitated who is no longer entitled to temporary benefits may receive additional benefits up to one-half of those allowed for temporary total disability.

ARIZONA

[Regular Session 1/14/63--4/2/63]

CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 27 (Approved 3/22/63; effective 7/2/63). Drops the July 31, 1964, expiration date from the 1962 amendment permitting girls aged 16 or older to be employed until 9 p.m. if enrolled in a vocational education class.

## WORKMEN'S COMPENSATION

Ch. 5 (Approved 3/6/63; effective 7/2/63). Broadens the second-injury fund provisions. Provides that when any person suffering from any preexisting disabling condition, including a preexisting disease, whether or not caused by an industrial injury, is subsequently injured by a work accident which results in permanent total disability, he shall receive permanent partial disability benefits for the subsequent injury and thereafter benefits for permanent total disability from the special fund. Provides also that if the subsequent injury aggravates the previous condition, resulting in 40 percent or more of general physical functional disability, the worker shall receive permanent partial benefits from the special fund. Authorizes the workmen's compensation commission to amend, alter, or change the award upon a change in the physical condition of the injured employee.

Ch. 18 (Approved and effective 3/15/63). Sets minimum monthly wages, for purposes of computing benefits, of \$200 for employees 21 years of age or over. Thus, minimum weekly benefits would be \$30 for total disability; \$25.38 for permanent partial disability; and a range of \$16.15-\$30.77 for death, according to number of dependents.

## ARKANSAS

[Regular Session 1/14/63--3/14/63]

## CHILD LABOR AND SCHOOL ATTENDANCE

Act 498 (Approved 3/20/63; effective 6/13/63). Repeals the provision that prohibited nightwork for girls under 18 from 9 p.m. to 7 a.m. in any capacity, with certain exemptions. (Girls of 16 and 17 are now covered by the existing provision that prohibits nightwork from 10 p.m. to 6 a.m. in any occupation for boys and girls under 18; those under 16 continue to be covered by the provision that prohibits nightwork from 7 p.m. to 6 a.m. in any occupation for children under 16.)

## INDUSTRIAL RELATIONS

Act 98 (Approved and effective 2/28/63). Makes unlawful any agreement or arrangement which, as a condition to the transportation of property, requires or permits a carrier or shipper to pay a charge, allowance, assessment, or compensation to any person or organization if such charge is dependent or contingent upon the use of another mode of transportation in addition to motor transportation for movement of such property.



OCCUPATIONAL SAFETY AND HEALTH

Act 100 (Approved 2/28/63; effective 6/13/63). Adds to the exemptions from the Boiler Inspection Act, boilers and unfired pressure vessels used in connection with the production, distribution, storage, or transmission of oil, natural gas, or casinghead gas.

Act 148 (Approved and effective 3/4/63). Prohibits requiring or permitting employees to work in proximity to overhead high voltage lines, or using or storing equipment or supplies or moving any building within 6 feet of such lines, unless danger from accidental contact has been guarded against beforehand by erection of mechanical barriers, deenergization and grounding, or temporary relocation of conductors. Sets further safety standards. Requires that the operator of the lines and the Commissioner of Labor be notified before such work is to be performed. Also requires the posting of signs, visible to crane operators and other employees, warning against the operation of equipment within 6 feet of lines.

Exempts work by authorized persons on such electrical lines, on communications lines, and associated railway equipment, as specified.

Act 189 (Approved 3/8/63; effective 7/1/63). Creates an Elevator Safety Board within the Department of Labor, consisting of the Commissioner of Labor and four members to be appointed by the Governor. Directs the board to issue rules and regulations, after a public hearing, for the construction, alteration, maintenance, and operation of all elevators, escalators, and dumbwaiters, and to prescribe minimum safety requirements.

Requires that all elevators, escalators, and dumbwaiters be registered with the labor department; provides for their inspection; directs the board to license inspectors, and prescribes their qualifications. Requires construction permits, with submission of plans beforehand, and operating permits, issued by the labor department. Sets permit and inspection fees.

Authorizes the department to stop the use of any unsafe installation and, after a hearing, to revoke the operating permit if not in compliance with regulations. Provides an appeal procedure. Authorizes the department to enforce the act and regulations, but permits the labor commissioner to delegate enforcement authority to the building department of a city or other governmental subdivision having qualified personnel. Prohibits local ordinances regulating such installations.

STATE DEPARTMENT OF LABOR

Act 189. See Occupational Safety and Health.

UNEMPLOYMENT INSURANCE

Act 93 (Approved 2/27/63; effective 7/1/63). Effective for benefit years beginning July 1, 1963, changes the maximum weekly benefit amount from \$30 to 50 percent of the State's average weekly wage, computed annually by July 1, based on insured employment for the previous calendar year. Increases the minimum weekly benefit amount from \$10 to \$15.

Provides that an unemployed individual enrolled in an approved vocational training or retraining course supported by an appropriation made by Congress shall be considered available for work if his progress and attendance are satisfactory and he does not refuse to apply for or accept suitable work when directed to do so by the employment security agency.

Includes as disqualifying income retirement plans contributed to by both the worker and the employer, and retirement plans paid subsequent to separation from the military armed services; also includes training or retraining allowances paid from Federal funds.

Provides that persons found to have fraudulently received benefits shall not be liable for repayment after 5 years from the date of determination of the amount of the overpayment; and provides that persons found to have erroneously received benefits for reasons other than fraud, misrepresentation or nondisclosure shall not be liable for repayment after 1 year from the date the determination of the amount of overpayment becomes final.

Extends from 1 year to 3 years the period during which the commissioner may reconsider a nonmonetary determination.

Excludes from employment domestic service in a local college club or local chapter of a college fraternity or sorority; also exempts service of a student enrolled in and employed by a school, college, or university. Extends coverage to services covered under the 1960 amendments to Federal Unemployment Tax Act.

Increases the maximum contribution rate for employers with negative balances from 2.7 percent to 3.0 percent for the last 9 months of 1963, with gradual increases thereafter up to 4.0 percent for 1966.

WORKMEN'S COMPENSATION

Act 539 (Approved 3/22/63; effective 6/13/63). Includes in coverage a diseased condition caused by exposure to "ionizing radiation," in addition to diseases already covered caused by X-rays and radioactive substances.

Exempts diseased conditions caused by exposure to ionizing radiation, X-rays, or radioactive substances, from the requirement that to be compensable the disablement must result within 1 year after the last injurious exposure and that death must follow continuous disability from such disease and occur within 7 years after the last exposure. Provides that claims because of such diseases must be filed within 2 years from the date the condition is made known to the employee following examination and diagnosis by a medical doctor.

CALIFORNIA

[Regular Session 1/7/63--6/21/63]

APPRENTICESHIP

Ch. 125 (Approved 4/19/63; effective 9/20/63). Permits exceptions, under certain conditions, from the provision that apprenticeship agreements must require at least 144 hours of related and supplemental instruction.

Ch. 708 (Approved 6/3/63; effective 9/20/63). Repeals the provision which made the apprenticeship law inapplicable to employers and employees who are subject to the Federal Railway Labor Act.

Ch. 1561 (Approved 7/13/63; effective 9/20/63). Provides for related and supplemental instruction to "isolated" registered apprentices who cannot be enrolled in a regular class for apprentices because of the small number of apprentices available for an appropriate class or because there is no existing apprenticeship program within a reasonable travel distance. Authorizes the Department of Education to provide such instruction as a direct instructional service, on a contractual basis with local school districts, by correspondence, or by a combination of these means.

A. Con. Res. 43. See Training and Retraining.

## CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 52 (Approved 4/8/63; effective 9/20/63). Extends to the employment of minors in all fields of entertainment the provision, formerly applicable only to their employment as dramatic performers, that a contract of a minor for employment cannot be disaffirmed on the ground of the performer's minority if the contract has been approved by the superior court.

## HOURS OF WORK

Ch. 896 (Approved 6/11/63; effective 9/20/63). Exempts from the maximum 8-hour day in underground mines or in smelters, aboveground operations of employees making emergency repairs necessary for continuous operation.

Ch. 964 (Approved 6/15/63; effective 9/20/63). Sets a maximum 40-hour week on public works, in addition to the maximum 8-hour day formerly set. Permits work in excess of 40 hours a week, and continues to permit work in excess of 8 hours a day upon payment of time and one-half the basic rate for hours over 8 a day. (This amendment does not appear to require the payment of overtime rates on a weekly basis for work in excess of 40 hours.)

Ch. 1734 (Approved 7/15/63; effective 9/20/63). Amends the law limiting hours of employment for women to 8 a day and 48 a week. Makes the exemption from coverage for administrative or executive employees (as defined) applicable to those who earn at least \$400 a month, instead of \$350.

## INDUSTRIAL RELATIONS

Ch. 898 (Approved 6/11/63; effective 9/20/63). Provides that if an employer has agreed to make payments into a health or welfare fund or similar plan for employees, he shall on written request of the employee furnish him an annual statement of such payments.

Ch. 1088. See Wage Payment and Wage Collection.

Ch. 1240. See Occupational Safety and Health.

Ch. 1881 (Approved 7/19/63; effective 9/20/63). Prohibits an employer from requiring an employee or applicant for employment to take a lie detector test or similar examination as a condition of employment. Exempts public employment.



MIGRATORY WORKERS

Ch. 209 (Approved and effective 4/29/63). Deletes the requirement in the Labor Code for a chauffeur's license for any farm labor contractor or his employee who operates a bus or truck in the transportation of individuals in connection with the farm labor contractor's operations, but requires the farm labor contractor or his employee to have a driver's license issued by the Department of Vehicles. (This change conforms to 1961 amendments to the Vehicle Code.)

Ch. 265 (Approved 5/7/63; effective 9/20/63). Requires every licensed farm labor contractor to have available for inspection by his workers and the grower with whom he contracts, a written statement showing the rate of compensation he receives from the grower and the rate he pays his employees.

Ch. 1306 (Approved 7/7/63; effective 9/20/63). Requires every licensed farm labor contractor to give each of his workers semimonthly or with each wage payment an itemized statement showing wage deductions.

Ch. 1515 (Approved 7/13/63; effective 9/20/63). The Farm Labor Center Law. Declares there is a need for farm labor centers for assembling, domiciling, and housing persons engaged in agricultural work to help assure agricultural communities a supply of such workers when needed. Empowers housing authorities, with the concurrence of the local governing body, to acquire, construct, and operate such centers. Also gives them "all the powers necessary or convenient to carry out the purposes" of the act, such as securing financial aid from persons or agencies, including the Federal Government; acquiring, by gift or purchase, property for construction of centers; and employing necessary staff. Declares the centers to be public property, exempt from taxation. Also declares it to be State policy that each housing authority shall establish rentals for the dwellings sufficient to cover the cost of operation.

Makes single persons and families eligible for occupancy when their principal source of income (without regard to whether it is "low income") is derived from agricultural work, as defined.

Authorizes housing authorities to include "stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor" in any contract let in connection with a farm labor center.

Provides that any farm labor center acquired by a housing authority as a low rent housing project in accordance with Article XXXIV of the California constitution (which requires voter approval before a low rent project is acquired or constructed), and following an election held in accordance with that Article, shall be deemed a housing project under the Housing Authorities Law and not under this law.

## California

Ch. 1992 (Approved 7/19/63; effective 9/20/63). Increases from \$1,000 to \$1,500 the amount of the surety bond that a person must deposit with the Labor Commissioner as one of the prerequisites for a license to act as a farm labor contractor.

### OCCUPATIONAL SAFETY AND HEALTH

Ch. 928 (Approved 6/13/63; effective 9/20/63). Adds to the Labor Code a number of provisions relating to maritime industrial safety. For example, regulates weight of materials stored on floors or platforms, method of piling or stacking materials, and inspection of machinery and equipment subject to wear. Makes these provisions effective only until 91 days after final adjournment of the 1965 regular session of the legislature.

Ch. 1083 (Approved 6/29/63; effective 9/20/63). Sets in the Labor Code a specific penalty of imprisonment up to one year or a fine of \$1,000 to \$5,000 for any employer who causes the death of his employee through gross negligence in failing to provide a safe employment and safe place of employment.

Adds to the Business and Professions Code a provision that violation of any safety provision in or authorized by Division 5 of the Labor Code resulting in death or serious injury to an employee constitutes cause for disciplinary action.

Ch. 1240 (Approved 7/7/63; effective 9/20/63). Newly sets a 10-day time limit after layoff or discharge within which an employee is to notify his employer of his intention to make a wage claim, and increases from 10 to 30 days the time limit for filing the claim, in cases where an employee has a right to file with the labor commissioner a claim for wages for the time he is without work as a result of his having been laid off or discharged for refusing to perform hazardous work that would be in violation of the Labor Code or any safety order.

### PRIVATE EMPLOYMENT AGENCIES

Ch. 1392 (Approved 7/11/63; effective 9/20/63). Broadens the exclusion of temporary service establishments from the law regulating private employment agencies. Excludes persons who employ individuals to render part time or temporary personal services under the direction of a third person; formerly, the exclusion was limited to such services in business offices or industrial establishments.

## California

Ch. 2100 (Approved 7/23/63; effective 9/20/63). Directs the Labor Commissioner to prescribe rules and regulations setting standards for private trade schools that are covered under the law regulating private employment agencies. Specifies that the standards must require the trade school to include accurate information in any advertising or publicity for pupil enrollment or placement when the advertising deals with job availability or degree of skill and length of time required to learn a skill. Also specifies that the standards shall provide that if a trade school does not fulfill its placement promises made to pupils as an inducement to enroll, it shall be liable to refund any fees involved and any other amounts, as prescribed by the regulations, for employment which might otherwise have been obtained by the pupil.

### TEMPORARY DISABILITY INSURANCE

Ch. 1563 (Approved 7/13/63; effective 9/20/63). Permits self-employed individuals to elect coverage, with contributions at the annual rate of 1.25 percent of the amount of high-quarter wages required for the maximum weekly benefit amount.

Ch. 1864 (Approved 7/18/63; effective 9/20/63). For periods of disability commencing on and after January 1, 1964, increases the minimum weekly benefit amount from \$10 to \$25.

### TRAINING AND RETRAINING

Ch. 998 (Approved 6/19/63; effective 9/20/63). Creates a Commission on Manpower, Automation and Technology, composed of 8 members of the legislature, 15 members appointed by the Governor (6 representing management including one from agriculture, 6 labor, and 3 public), and 6 ex officio members (Commissioner of Economic Development Agency and the directors of the State departments of Agriculture, Industrial Relations, Employment, Education, and Social Welfare).

Directs the Commission to: study the impact of automated processes and other technological advancements on employment opportunities, the skill requirements of industry and government, the displacement of employees, and the obsolescence of skills; evaluate the effectiveness of current private and public job training, retraining, and skill development programs, and recommend surveys to project the State's future skill requirements in order to provide usable information for the development of sound training and retraining programs. Authorizes the commission to make recommendations to State agencies for the purpose of implementing its studies. Provides that the State departments of Industrial Relations, Employment, and Education shall make surveys and perform similar functions as requested by, and subject to the direction of, the commission.

## California

Authorizes the commission, with the approval of the Director of Finance, to accept grants of funds from Federal, State, or private agencies. Also authorizes it to enter into agreements with public or private agencies or individuals for the exchange of information or the conduct of surveys.

Authorizes the Governor to constitute a State Manpower Advisory Committee from among the membership of the commission, with specified representation, and directs the committee to cooperate with the National Manpower Advisory Committee, established by the U. S. Manpower Development and Training Act of 1962.

Directs the commission to submit an annual report of findings and recommendations to the Governor and the legislature by December 31 of each year.

A. Con. Res. 43 (Adopted 6/18/63). Requests the Department of Industrial Relations and the Bureau of Industrial Education of the Department of Education to study the apprenticeship and other training preparatory courses offered in the State's secondary schools; to develop methods whereby industry, through joint apprenticeship or other advisory committees, will determine which of these courses are desirable as preparation for entering apprenticeship or on-the-job training programs; and to report to the legislature by January 15, 1965.

### UNEMPLOYMENT INSURANCE

Ch. 952 (Approved 6/15/63; effective 9/20/63). Excludes from coverage services performed by a student in the employ of a State college auxiliary organization which is exempt from taxation under the Internal Revenue Code and which is operated exclusively for charitable, scientific, or educational purposes.

Ch. 1544 (Approved 7/13/63; effective 9/20/63). Provides that any employer or his agent who wilfully makes a false statement or representation or wilfully fails to report a material fact concerning the termination of a claimant's employment shall have charged to his account not less than 2 nor more than 10 times the weekly benefit amount of such claimant.

Ch. 1563 (Approved 7/13/63; effective 9/20/63). Sets the contribution rate for self-employed individuals electing coverage at the rate of 1.25 percent of the amount of high-quarter wages required for the maximum weekly benefit amount.

Ch. 1565 (Approved 7/13/63; effective 9/20/63). Revises the base-period earnings requirement for an individual who earns more than 75 percent of his base-period wages in a single calendar quarter to extend eligibility for the minimum benefit to him if he earns from \$630 to \$750 in his base period and no less than \$458 in his high quarter. Formerly, such an individual's base-period earnings had to be not less than the lower of 30 times his weekly benefit amount or \$750. Increase the minimum weekly benefit amount from \$10 to \$25.



Ch. 1640 (Approved 7/13/63; effective 9/20/63). Provides that where a base-period employer is employing, and has continuously employed, in part-time employment, an individual who is claiming benefits on the basis of his having less than full-time work and receiving wages less than his weekly benefit amount, and the employer is able, within 15 days after mailing of a notice of computation, to establish this fact, his account will not be charged for benefits paid such individual.

Ch. 1663 (Approved 7/13/63; effective 9/20/63). Revises the definition of services of a director of a corporation or association, effective as to remuneration paid on or after October 1, 1963, to provide that employment does not include services performed in the capacity of a director in attending meetings of the board.

Ch. 2015 (Approved 7/19/63; effective 9/20/63). Includes in the definition of "employing unit" a joint venture, and in the definition of "nonprofit organization" an organization operated exclusively for testing for public safety. No longer excludes from the definition of "wages" dismissal payments which the employer is not legally required to make.

Ch. 2016 (Approved 7/19/63; effective 9/20/63). Provides that a nonprofit organization may elect to become an employer if the Secretary of Labor certifies that the provision is in conformity with Federal law, rather than when Congress enacts legislation exempting such organization from the "additional credit" provision of the Federal Unemployment Tax Act.

Ch. 2131 (Approved 7/23/63; effective 9/20/63). Excludes from the definition of "wages," in conformity with the Internal Revenue Code of 1954, payments made under an annuity plan or a bond purchase plan established after December 31, 1962.

#### WAGE PAYMENT AND WAGE COLLECTION

Ch. 178 (Approved 4/27/63; effective 9/20/63). Extends to contractors the existing requirement that logging and sawmill operators must make specified arrangements to secure the payment of wages. Sets the wage period to be secured at the longer of four weeks or a single payroll period, instead of a single payroll paid as before.

Ch. 265. See Migratory Workers.

Ch. 846 (Approved 6/8/63; effective 9/20/63). Provides that wages or fringe benefits, or both, shall continue as a penalty for up to 30 days if an employer in the building and construction industry pays wages or fringe benefits by check, draft or voucher which is subsequently refused payment, unless he can establish to the satisfaction of the labor commissioner or appropriate court that the violation was unintentional.

## California

Ch. 1080 (Approved 6/29/63; effective 9/20/63). Provides that the itemized statement of deductions, which the employer is required to give the employee with each payment of wages, shall also include the inclusive dates of the period for which paid, the name of the employee or his social security number, and the name of the employer.

Ch. 1088 (Approved 6/29/63; effective 9/20/63). Provides that an employment contract between an employer who has no permanent and fixed place of business in the State and an employee whose compensation involves commissions (as defined) for service shall be in writing, and shall set forth the method of computation and payment. Requires the employer to give the employee a copy of the contract and obtain a receipt. Makes an employer who does not conform to this requirement liable to the employee for triple damages.

Ch. 1306. See Migratory Workers.

### WAGES--PREVAILING WAGES

Ch. 467 (Approved 5/18/63; effective 9/20/63). Makes several changes in the penalty provision of the prevailing wage law, including the addition of a specific requirement that in cases of underpayment the contractor shall pay to each workman the difference between the prevailing rate and the amount originally paid.

### WAGES--PUBLIC WORKS

Ch. 2125 (Approved 7/23/63; effective 9/20/63). Amends the chapter relating to public works and purchases and designates it as the "Subletting and Subcontracting Fair Practices Act." Declares that the practices of bid shopping and bid peddling in connection with public improvements lead, among other evils, to insolvencies and loss of wages to employees. Among other changes, provides that a prime contractor may require a subcontractor to furnish him with bonds guaranteeing performance and the payment of labor and materials. Also provides that if such bonds are not furnished upon request, the prime contractor may reject the subcontractor's bid and substitute another subcontractor.

### WORKMEN'S COMPENSATION

Ch. 1684 (Approved 7/15/63; effective 9/20/63). Specifies that a person engaged in suppressing a fire at the request of a public officer, including a person who contracts to pilot a plane in such work, or a person engaged in assisting a peace officer in the performance of active law enforcement services, is deemed to be an employee of the public entity that he is serving and shall be entitled to temporary and permanent disability benefits. Provides certain exemptions.

## COLORADO

[Regular Session 1/2/63--4/7/63]

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 178 (Approved 4/27/63; effective 6/1/63). Repeals the former child labor law and enacts a new law, the "Child Labor Law of 1963." Sets a 16-year minimum age for factory employment at any time; a 16-year minimum for any employment during school hours, unless the child is lawfully excused from attendance; and a 14-year minimum outside school hours, except for a 12-year minimum in agricultural work on a farm or ranch, in street trades, lawn care, and babysitting. Exempts from the entire act, except for the hazardous-occupations provisions: school work or supervised educational activities; home chores; work done for a parent unless the parent receives payment; and work as an actor, model, or performer if employed for 15 or more days a year. (Formerly, the minimum age was 14 in any occupation during school hours; 14 in most occupations, as specified, outside school hours during the school year; and 12 during the school summer vacation. There was no minimum age in agriculture, lawn care or babysitting and only a 10-year minimum for girls in street trades.) Authorizes the Industrial Commission to grant special exemptions in individual cases from any provision of the law, if it finds that it is in the minor's best interest.

Requires employment certificates for 14- and 15-year olds for work during school hours only, instead of at any time. The issuing officer is to decide whether employment is in the minor's best interest and whether the minor should attend school part time and work part time. Provides for appeal to the court in cases where a certificate has been denied. Also provides that employers desiring proof of age may require a minor under 18 to submit an age certificate, and sets up the procedure for issuance by local school officials, including specified evidence on proof of age.

Makes the 8-hour day and 48-hour week applicable to minors under 18 instead of under 16, and sets a 6-day week. Newly sets a 4-hour maximum for work on a school day for in-school children under 16, except for babysitters of 14 or over. Prohibits work after 9:30 p.m., rather than 8 p.m., for children under 16, rather than before 7 a.m. for those under 14; exempts babysitters 14 or over. Permits work until 10 p.m. before a nonschool day for an actor, model, or performer employed in the State less than 15 days a year (those employed for longer periods are exempted entirely).

Raises the minimum age for certain hazardous work from 16 to 18 years, and adds new occupations to the list of prohibited work for minors under 18, thereby bringing this list into substantial conformity with the Hazardous Occupations Orders issued under the Federal Fair Labor Standards Act. Also adds new occupations to those prohibited for children under 16 years of age, including the operation of any hazardous power-driven machinery. Newly authorizes the Industrial Commission to issue regulations "more specifically defining" hazardous occupations. Exempts agricultural work on a farm or ranch from the provisions on hazardous occupations.

Authorizes the Industrial Commission to issue cease-and-desist orders, to levy fines, and to apply for an injunction to enjoin a prohibited act. (Formerly the Commission was limited to seeking convictions through the courts.) Makes the parent of a child under 16 or the employer of a minor under 18 subject to court action only if he "knowingly" permits a violation.

Ch. 243 (Approved and effective 4/27/63). Repeals the former compulsory school attendance law and enacts a new law, "the School Attendance Law of 1963." Requires attendance of children between the ages of 7 and 16, rather than 8 and 16, for at least 172 days during each school year instead of for the entire session. Drops the exemption for 14-year-olds who are 8th grade graduates and substitutes an exemption for 12th grade graduates. Replaces all other former exemptions with new ones, including exemptions for those who: have a current age and school certificate or work permit under the child labor law; are pursuing a work-study program under the supervision of a public school; are in the custody of a court or law enforcement authority; have been suspended, expelled, or denied admission in accordance with the provisions of this law. Sets the specific grounds for such actions; and, in expulsion and admission-denial cases, provides for a hearing at the parent's request, and court review.

Directs the State Commission of Education to designate an employee of the department of education to assist the individual school districts and to supervise the enforcement of compulsory attendance throughout the State. Authorizes the State Board of Education to issue regulations to administer the act.

#### DISCRIMINATION IN EMPLOYMENT

Ch. 177 (Approved and effective 4/16/63). Makes the law prohibiting discrimination in employment because of race, creed, color, national origin, or ancestry applicable also to apprenticeship programs, on-the-job training programs, and other occupational instruction, training, or retraining programs. Also prohibits discrimination based on sex in such programs.



## Colorado

### HOURS OF WORK

Ch. 175 (Approved and effective 4/4/63). Exempts clerical office positions: from the provision which declares the employment of females in laundries, hotels, and restaurants, and in manufacturing, mechanical, and mercantile establishments to be injurious to health; and from the law setting a maximum 8-hour day for women (except in specified situations) in such establishments.

### INDUSTRIAL RELATIONS

Ch. 173 (Approved and effective 4/26/63). Amends the Labor Peace Act. Makes it an unfair labor practice for an employee or a labor organization to encourage or induce workers to engage in a strike or concerted work refusal or use any other means to force an employer or his employees to refrain from using any equipment or material intended to reduce the cost of the work; to require an employer to use any material, do any work, or render any service as a condition for using a labor-saving device; or to impose a fine or forfeiture on an employee because he has used or attempted to use such a device, so long as the device is germane to the employee's craft and is not injurious to the health and safety of employees or the public. Also makes it an unfair labor practice to do or cause any of these unfair acts to be done, on behalf of an employer or employee, in connection with a labor controversy. Specifically provides that this amendment shall not negate the rights of an employer and a labor organization to bargain collectively.

### UNEMPLOYMENT INSURANCE

Ch. 187 (Approved and effective 3/13/63). Amends the definition of employment to exclude barbers and security salesmen to the extent that they are compensated by commissions. Also excludes employees of a church or nonprofit organization when the compensated employment does not exceed 12 hours during any period of 7 consecutive days, and employees of seasonal camps operated by nonprofit organizations when the compensated employment does not exceed 12 weeks within 1 year.

Ch. 188 (Approved 4/15/63; effective 7/1/63). Effective for benefit years commencing after July 1963, reduces maximum benefits in a benefit year from  $1/2$  to  $1/3$  of base-period wages and the maximum duration from  $32\frac{1}{2}$  to 26 weeks.

Repeals the provision under which increased benefits were formerly paid to claimants employed in Colorado by covered employers for 5 consecutive calendar years with wages in excess of \$1,000 per year and no benefits received.

## Colorado

Replaces the present disqualification section with a system of benefit awards based upon the cause for the claimant's separation from work. Provides, under varying circumstances, full awards, 50 percent awards, special awards, no awards, or optional awards, specifying in general, in each award category, particular situation which would result in the granting of such awards.

Amends the duration of the labor-dispute provision by extending the disqualification beyond the termination of the dispute for a reasonable period of time necessary for the establishment to resume normal operations. Provides that an individual whose unemployment is due to a lockout resulting from a dispute with a multi-employer bargaining unit shall not be disqualified unless the lockout results from the demands of employees, as distinguished from an effort on the part of the employer to deprive the employees of some advantages they already possess.

Reduces benefits for receipt of vacation pay and maternity benefits in lieu of wages.

In addition to criminal penalties, imposes a disqualification of 52 consecutive weeks beginning with the first week for which fraudulent payment has been made for willful false representation of non-disclosure. Provides further that such overpayments must be repaid before such individual is allowed benefits.

Redefines seasonal worker to mean an individual who has been paid seasonal wages by a seasonal employer for seasonal work during the base period. Formerly, a seasonal worker meant an individual who earned more than 50 percent of his base-period wages from his principal seasonal employer and earned less than \$800 exclusive of wages paid by the principal seasonal employer. Limits benefits based on seasonal wages to the normal seasonal periods and provides that a seasonal worker be paid a maximum of 1/3 of his total wages in insured seasonal work. Formerly, total benefits in seasonal and nonseasonal periods were limited in the corresponding period to 1/2 of all base-period earnings.

Provides that if an employer makes a false statement resulting in the delay of payments to a claimant, such employer shall be penalized by having his account charged with 1 1/2 times the amount of benefits due during the period of delay and with 100 percent of all other benefit payments paid to the claimant thereafter during his current benefit year, and the claimant shall be compensated by being paid 1 1/2 times his weekly benefit amount for the period of the delay.

Amends the provision denying benefits to any individual receiving benefits under an unemployment compensation law of the Federal Government by specifying that payments of any type and for any amount for periods of unemployment due to lack of work shall be considered an Unemployment Compensation law of the Federal Government.

WORKMEN'S COMPENSATION

Ch. 128 (Approved and effective 2/25/63). Repeals the provision for a lump sum settlement upon remarriage of beneficiary.

Ch. 179 (Approved and effective 4/17/63). Provides that persons are considered employees of the county or city, who, while receiving welfare payments, work on city or county work projects; or, who, as a part of the city or county rehabilitation program, are placed in training with an employer.

Specifies that benefits for such persons will be based on the wages paid for similar work in the community in which they reside, except, if such person is a minor, benefits shall be the maximum compensation payable under the law at the time of the determination of death or permanent disability.

Ch. 180 (Approved and effective 4/18/63). Raises from \$40.25 to \$43.75 the maximum weekly benefits for all types of disability. Raises from \$10,465 to \$11,376 the total benefits for permanent partial disability and from \$12,598.25 to \$13,650 the total amount payable in lump sums for permanent total disability.

Raises maximum weekly death benefits from a range of \$40.25-\$50.75 to a range of \$43.75-\$54.25, and raises total death benefits from a range of \$12,598.25-\$15,884.75 to a range of \$13,693.75-\$16,980.25, according to the number of dependents.

Raises from \$1,500 to \$2,500 the maximum medical benefits, and permits an additional amount, up to \$1,000, if the commission finds that the employee's condition would be materially improved thereby.

Newly provides for reduction in workmen's compensation benefits if a worker is eligible for benefits under the Old-Age, Survivors, and Disability Insurance law, or under an employer pension plan financed in whole or in part by the employer. Reduces weekly benefits (but not below zero) by one-half the amount received under OASDI for such work. Reduces weekly benefits by an amount equal to the employer pension plan benefits unless the employee has contributed to the pension plan, in which case the reduction will be equal to the proportion of the employer's percentage of total contributions.

Ch. 184 (Approved and effective 2/11/63). Makes an exception to the provision that benefits awarded for temporary partial or temporary total disability must be made directly to the injured employee and may not be assigned, by permitting such payments with the approval of the commission to be made to an employer who, by agreement, continues to pay full wages to his injured employee during the period such employee is eligible for temporary disability benefits. Specifies that direct payment of benefits to the injured employee be reinstated when the payment of full wages is reduced or terminated by the employer for any reason.

## CONNECTICUT

[Regular Session 1/9/63--6/5/63]

### APPRENTICESHIP

Act 180 (Approved 5/24/63; effective 10/1/63). Extends the definition of "apprentice agreements" to include agreements that meet Federal requirements for on-the-job training schedules which are essential, in the labor commissioner's opinion, for the development of the State's manpower, in addition to apprentice agreements that require at least 4,000 hours of work experience as before. Thereby, makes the apprenticeship law applicable to such on-the-job training programs.

### CHILD LABOR AND SCHOOL ATTENDANCE

Special Act 101 (Approved and effective 6/6/63). Establishes a six-member commission consisting of a senator, a representative, the labor commissioner, the secretary of the State board of education, and representatives of employees and employers to be appointed by the Governor. Directs the commission to study the laws, regulations, and practices affecting the employment of minors, and to report its findings and recommendations to the Governor and the 1965 legislature by January 15, 1965.

Acts 158, 159, and 160. See Hours of Work.

Act 521 (Approved 6/19/63; effective 10/1/63). Establishes a State Commission on Youth Services, composed of eight public members to be appointed by the Governor, one member from the board of trustees of the Connecticut School for Boys, one member from the board of directors of Long Lane School, and the following commissioners to serve in an advisory capacity: education, health, labor, mental health and welfare. Directs the Governor to appoint a coordinator of youth services, as chief administrative officer of the commission, and provides for the appointment of staff. For budget purposes, makes the commission a part of the State Department of Education.

Directs the commission to review the problems and needs of youth, make recommendations to the Governor and the General Assembly, and in particular to encourage young people to take maximum advantage of formal education opportunities.

### DISCRIMINATION IN EMPLOYMENT

Act 261 (Approved 6/5/63; effective 10/1/63). Limits the exemption of certain action taken under retirement, employee insurance, or apprenticeship plans from the fair employment



## Connecticut

practices law. Continues to exempt such actions from the prohibition against discrimination because of age, but no longer exempts them from the prohibition against discrimination because of race, color, religious creed, national origin, or ancestry.

Act 472 (Approved 6/19/63; effective 10/1/63). Gives to a complainant under the Fair Employment Practices Act the right to appeal to the court from a final order of a hearing tribunal, or from the dismissal of his complaint by the Commission on Civil Rights. Formerly, only the respondent had the right of appeal.

### HOURS OF WORK

Act 158 (Approved 5/28/63; effective 10/1/63). Exempts permanent salaried employees in executive, administrative or professional positions from the provision which sets a 9-hour day and 48-hour week for women and minors under 18 years of age in manufacturing or mechanical establishments and which permits longer hours in specified circumstances. Drops from this provision the former requirement that the employer post a notice of the required hours of work.

Acts 159 and 160 (Approved 5/28/63; effective 10/1/63). Extends the provision which sets a 9-hour day, 48-hour week, and 6-day week for women and minors under 18, and prohibits nightwork from 10 p.m. to 6 a.m. for minors under 18, in public restaurants and other specified industries, to apply also to amusement and recreational establishments, bowling alleys, shoe shining establishments, billiard rooms, or pool rooms.

Repeals the section that formerly prohibited the employment of women after 10 p.m. in bowling alleys, shoe shining establishments, billiard rooms, or pool rooms; set a maximum 58-hour week for women in these establishments; and regulated the hours and nightwork of students between 14 and 16 employed in billiard or pool rooms (the latter provision had become obsolete because of the 16-year minimum age in these establishments).

### INDUSTRIAL RELATIONS

Act 495 (Approved and effective 6/19/63). Permits any governmental subdivision of the State to bargain collectively with its employees, except teachers. Makes available the services of the State Board of Mediation and Arbitration to the governmental unit and the employee organization, upon joint petition to the Board.

## Connecticut

Establishes an 11-member commission, to be appointed by the Governor, composed of two members of the General Assembly and three members each representing the public, municipal officials, and employee organizations, to study various aspects of collective bargaining by municipalities (except for relations between boards of education and organizations of teachers) and to make legislative recommendations to the Governor and the legislature by January 15, 1965.

Act 626 (Approved 6/4/63; effective 10/1/63). Provides that trustees of an employee welfare fund who are required by a Federal agency to file an annual statement that is substantially the same as that required by the State law, may file a duplicate of the Federal statement to satisfy the State requirement.

H. J. Res. 166 (Adopted 6/3/63). Provides that the subject matter of two bills introduced in 1963 (H. 3777 and H. 4128), relative to the use of lie detector tests as a condition of employment and to the prohibition of their use, be referred to the legislative council for study and that the council report its findings and recommendations to the 1965 session of the general assembly.

## OCCUPATIONAL SAFETY AND HEALTH

Act 20 (Approved 4/23/63; effective 10/1/63). Drops the requirement that manufacturing or mechanical establishments shall post on each floor a plan showing all means of egress; retains the requirement for exit signs of specified size.

Act 161 (Approved 5/28/63; effective 10/1/63). Requires biennial inspection internally and externally, where construction will permit, of low pressure boilers. Retains the annual inspection requirement for power boilers, as defined, but reduces from 15 to 14 months the permissible lapse between internal and external inspections while under pressure.

## OLDER WORKERS

Act 472. See Discrimination in Employment.

## TRAINING AND RETRAINING

Act 180. See Apprenticeship.

## Connecticut

Act 608 (Approved 7/2/63; effective 10/1/63). Appropriates from the Employment Security Special Administration Fund to the Governor the sum of \$200,000 for the fiscal year ending June 30, 1965, to meet the State's share of the cost of training allowances and programs under the Federal Manpower Development and Training Act of 1962. Provides also for the return of this appropriation into the unemployment compensation fund if State matching grants are not required during that fiscal year. (The need for State Funds for the fiscal year 1965 was eliminated by P. L. 88-214. See United States.) Also directs that after July 1, 1965, any balance in the special fund above \$75,000 be placed in the unemployment compensation fund.

### UNEMPLOYMENT INSURANCE

Act 608. See Training and Retraining.

### WAGES--PREVAILING WAGES

Act 240 (Approved 6/5/63; effective 10/1/63). Extends the prevailing wage law to make it applicable to public works projects and alteration contracts, instead of only to public buildings. Makes a conforming extension in the provision setting maximum hours of employment on such contracts.

Retains the existing prevailing wage provisions for highway and bridge contracts, but adds alteration contracts (in addition to construction and repair contracts as before) to the coverage of the maximum hours provision applicable to bridge contracts.

### WAGES AND HOURS--ALL WORKERS

Act 357 (Approved 6/12/63; effective 10/1/63). Sets at 500 hours the period during which the lower minimum rate for learners and minors (as set by wage order or administrative regulation) may be paid, and requires the payment of the standard \$1.25 minimum thereafter. Makes an exception for institutional training programs specifically exempted by the labor commissioner. Adds "beginners" to the learner- and person-under-18 years group subject to the lower rate. (This rate had already been scheduled, by a 1961 enactment, to increase from 85 cents to 95 cents an hour on October 1, 1963.)

## DELAWARE

[Regular Session met 1/1/63; last recessed to 2/4/64]

### APPRENTICESHIP

Ch. 10 (Approved and effective 3/19/63). Enacts an apprenticeship law, applicable to those who voluntarily elect to conform with its provisions. Provides for an Apprenticeship and Training Council within the Department of Labor and Industrial Relations, composed of 3 employer and 3 employee members appointed by the Governor. Designates the labor department chairman and the State director of the vocational education department as ex officio members, and the State Supervisor of the Federal Bureau of Apprenticeship and Training as a consultant.

Directs the council, among other duties, to establish apprenticeship standards in conformity with the State law and applicable Federal laws and regulations; adopt regulations, subject to the approval of the labor department chairman; study the effectiveness of apprenticeship programs, modify or terminate them, and recommend improvements; study the problems of training or retraining unemployed or employed persons to improve or modernize work skills; and convene local groups to promote better apprenticeship and other training programs, including programs to update the skills of the employed.

Provides for a Director of Apprenticeship and Training appointed by and subject to the labor department. Includes among the director's duties the promotion of apprenticeship standards, supervision of the execution of agreements and the maintenance of standards, and registration of agreements.

### TRAINING AND RETRAINING

Ch. 10. See Apprenticeship.

### UNEMPLOYMENT INSURANCE

Ch. 55 (Approved 6/27/63; effective 7/27/63). Repeals the waiting-period requirement.

### WAGES--WAGE GARNISHMENT

Ch. 226 (Approved and effective 1/7/64). Amends the wage attachment law. Newly defines wages to include salaries, commissions, and every other form of remuneration paid to an employee, except payment for services rendered by a person who is master of his own time and effort.



## FLORIDA

[Regular Session 4/2/63--6/19/63]

### APPRENTICESHIP

Ch. 153 (Law without approval 5/23/63; effective 7/1/63). Provides that all provisions of the apprenticeship law shall be appropriately adapted and made applicable to a program of on-the-job training for persons other than apprentices.

Ch. 380. See Wages--Prevailing Wages.

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 82 (Approved 5/16/63; effective 7/1/63). Adds to the list of hazardous occupations prohibited for minors under 16 years of age: employment in the manufacture, transportation, or use of radioactive materials.

Ch. 475; S. 1004; S. 1125. See Training and Retraining.

### INDUSTRIAL RELATIONS

Ch. 92 (Law without approval and effective 5/20/63). Makes unlawful any agreement or arrangement which, as a condition to the transportation of property, requires or permits a carrier or shipper to pay to any person or organization any charge or assessment that is contingent on the use of another mode of transportation in addition to motor transportation.

Ch. 139 (Law without approval and effective 5/23/63). Reduces from 10 to 5 years the length of time a person must have been a citizen and resident of the United States before he may be granted a license to act as a business agent of a labor organization. Limits the existing prohibition against issuing such a license to a convicted felon to make it applicable to a convicted felon who has not had his civil rights restored. Authorizes the Secretary of State to renew licenses but requires an applicant for renewal to use the same procedure as a new applicant if his license has been surrendered, suspended, or revoked during the year.

Ch. 187 (Law without approval 5/28/63; effective 7/1/63). Reduces from 15 to 10 the minimum number of employees or union members who must be covered by a group life insurance policy issued to an employer or to trustees of a fund.

Ch. 218 (Law without approval 5/30/63; effective 7/1/63). Reduces from 15 to 10 the minimum number of employees who must be covered by a group disability insurance policy issued to an employer or to trustees of a fund established by him. Makes a director of a corporate employer ineligible for coverage under such a policy unless he is otherwise eligible by performing services as a bona fide employee.

#### OCCUPATIONAL SAFETY AND HEALTH

Ch. 213 (Law without approval and effective 5/30/63). Authorizes the State Fire Marshal to formulate rules and regulations for the transportation of explosives, flammables, and radioactive materials by private carriers; specifies the type of identification required on such vehicles; and provides that the regulations regarding radioactive materials shall not be less restrictive than Federal regulations for similar interstate transportation. (Formerly, the Insurance Commissioner had authority to regulate the transportation of explosives and other dangerous articles, and certain markings were required on the vehicles.)

#### PRIVATE EMPLOYMENT AGENCIES

Ch. 205 (Law without approval 5/30/63; effective 1/1/64). Makes several changes in the law regulating private employment agencies. For example, requires a separate agent's license for each person, partner, or corporate officer, with certain exceptions, in addition to the license already required for each agency and for specified agency employees. Drops the requirement for a character-reference affidavit as a prerequisite for a license. Extends coverage of the law to charitable institutions, formerly exempted, but permits certain types to be licensed without paying a fee.

Increases from \$1 to \$2 the maximum registration fee that may be charged a job applicant; requires the agency to place advance deposit fees in an escrow account until the applicant accepts employment; and makes other changes relating to the applicant's liability to the agency for a placement fee and the agency's obligation to refund fees under certain circumstances.

Makes the penalty provision more punitive; for example, newly designates as a felony certain willful violations such as false advertising, or causing an applicant to be directed to a fictitious job.

TRAINING AND RETRAINING

Ch. 153. See Apprenticeship.

Ch. 475 (Law without approval and effective 6/18/63).

Authorizes a county board of education, or the boards of two or more contiguous counties, upon obtaining the approval of the State board, to establish or acquire and operate an area vocational-technical center as a party of the county school system. Defines such a center as an institution offering terminal technical and vocational courses for out-of-school youth and adults, under the control of the county board and subject to applicable school laws. Directs the State board to prescribe minimum standards for such centers and provides for their participation in the minimum foundation program funds for the public schools.

S. 1004 (Law without approval 6/18/63; effective 7/1/63).

Declaring that the residents of west Florida do not possess the occupational skills required by the developing employment opportunities of the area, that 6 percent of the adults are unemployed, and some 80 percent of the high school students enter the labor market annually without employment skills, creates a study committee to determine the feasibility of establishing an area vocational-technical training center in west Florida for out-of-school youth and adults, and to make its recommendations to the State board of education. Calls for a committee of up to 10 members, representing industry, business, agriculture, education, and the public, appointed by the board of education on recommendation of the State superintendent of public instruction. Makes a \$25,000 appropriation.

S. 1125 (Law without approval and effective 6/18/63). Directs the Board of Public Instruction of Gadsden County, in cooperation with the State Board of Education, to study the feasibility of establishing a junior or community college or an area vocational-technical training center in the county, and authorizes it to expend county school funds for this purpose. Grants authority to establish such an institution if the study shows it to be feasible and needed and if there are funds available to either the State or county board.

UNEMPLOYMENT INSURANCE

Ch. 56 (Law without approval and effective 5/15/63). Excludes from the definition of "employment" service performed as a barber if remuneration for such service is solely by commission.

Ch. 137 (Law without approval 5/23/63; effective 1/1/64).

Increases the maximum tax rate to 3.5 percent in 1964; 4.0 percent in 1965, and 4.5 percent in 1966 and thereafter. Revises the adjustment of rates to account for charges not otherwise accounted for under the regular schedule of tax rates.

## Florida

Ch. 157 (Law without approval 5/23/63; effective 7/1/63). Adds a new section disqualifying an individual who is not a United States citizen and is residing in the State as a place of refuge, temporarily or without formal visa, and who without good cause either fails to register with a government agency having jurisdiction over him for registration, relocation, or resettlement purposes or refuses to accept an offer of resettlement or relocation with provision for suitable employment. Such disqualification is, in the first case, for the duration of such failure and for not more than 10 weeks following the week of registration, and, in the second, for the week of refusal and for not more than 10 weeks following that week, with optional reduction by not more than 5 weeks from the duration of benefits in each instance.

Ch. 165 (Law without approval and effective 5/23/63). Amends the Florida Statutes to permit the industrial commission to pay to the immediate family any unemployment benefits due an individual at the time of his death. Excludes such payments from the assets of the estate and does not subject them to administration.

Ch. 327 (Law without approval 6/5/63; effective 7/1/63). Defines good cause for leaving employment as cause attributable to the employer or consisting of illness or disability, other than pregnancy, requiring such separation.

### WAGES--PREVAILING WAGES

Ch. 380 (Law without approval 6/12/63; effective 7/1/63). Amends the prevailing wage law. Requires a contractor or subcontractor to file with the Industrial Commission the name, classification, and wage rate of each apprentice newly employed by him on public works.

Provides that the required posted schedule of prevailing wages shall be permanently maintained throughout the job at the job site, and requires the contractor to submit an affidavit to the Industrial Commission certifying that the notice has been posted and is being maintained.

Authorizes the contracting authority to make its own investigation to determine whether a contractor or subcontractor has not complied with the prevailing wage provisions. Directs the authority, on the basis of its findings, to withhold amounts due employees because of underpayment until final determination of the claim by the Industrial Commission, to pay such amounts to the employees, and to make a corresponding deduction from the total amount due the contractor.

Adds a specific penalty provision.



## Florida

### WORKMEN'S COMPENSATION

Ch. 91 (Law without approval 5/20/63; effective 7/1/63). Deletes the \$1,000 limitation for medical services and supplies and the authority of the Commission to order additional treatment in excess of \$1,000. Provides instead that medical services and supplies shall be furnished as the injury requires. Also specifies that all rights for such remedial attention shall be barred unless a claim therefore is filed within 2 years after the injury or within 2 years after the last remedial attention or last payment of compensation by the employer.

Ch. 235 (Approved 4/2/63; effective 6/19/63). Provides that in subsequent injury cases no reimbursement shall be made to the employer unless the total amount reimbursable with respect to any case is \$1,500 or more.

Changes the methods of annual assessments for financing its Special Disability Fund. Directs the commission to estimate annually the amount necessary to administer the Fund and to prorate the needed amount among the insurance companies and self-insurers.

## GEORGIA

[Regular Session 1/14/63--3/15/63]

### WORKMEN'S COMPENSATION

Act 81 (Approved and effective 3/15/63). Amends the definition of injury to exclude heart disease, heart attack, the failure or occlusion of any of the coronary blood vessels, and thrombosis, unless it is shown that such condition was attributable to the performance of the usual work of the employee.

For total disability, raises from \$30 to \$37 the maximum weekly benefits, from \$10 to \$12 the minimum, and from \$10,000 to \$12,500 the total maximum; for permanent partial nonschedule, raises from \$20 to \$30 the weekly benefits and from \$6,000 to \$9,000 the total maximum; for death benefits, raises from \$25.50 to \$31.45 the maximum weekly and from \$8.50 to \$10 the minimum.

Makes benefits payable for the first 7 days of temporary total disability if the disability lasts 28 days or more.

Increases from \$1,125 to \$2,000 the initial medical benefits, and from \$375 to \$500 the additional amount which may be ordered by the board. Makes the medical benefits under the workmen's compensation law applicable also to occupational diseases, deleting the previous \$500 limitation for occupational diseases.

Increases burial allowances from \$350 to \$500. Makes \$500 (formerly \$100) payable also in occupational disease cases.

## Georgia

Raises the maximum number of weeks from 150 to 160 weeks for loss of a hand, from 125 to 135 weeks for the loss of a foot, and from 50 to 60 weeks for loss of hearing in one ear.

Requires claims for disability or death caused by X-Ray or other radioactive substances to be filed within one year after the date the employee first suffered disability and either knew or should have known that the disease was caused by his present or prior employment. Previously the law provided that claims for any occupational disease, other than silicosis or asbestosis, had to be filed within one year of the last injurious exposure.

## HAWAII

[Regular Session 2/20/63--5/3/63]

### APPRENTICESHIP

Act 55 (Approved and effective 5/20/63). Transfers to the Director of Labor and Industrial Relations certain duties formerly exercised under the apprenticeship law by the Apprenticeship Council subject to his approval, including the establishment of standards for apprenticeship agreements and the issuance of regulations. Extends the director's duties under this law to include also providing assistance in developing on-the-job training programs in non-apprenticeable occupations.

### CHILD LABOR AND SCHOOL ATTENDANCE

Act 74. See Training and Retraining.

Act 182 (Approved and effective 6/3/63). Extends from June 30, 1963, until June 30, 1965, the expiration date of the labor director's authority to permit minors under 14 to work outside school hours in the harvesting of coffee if the director determines that sufficient adult labor is not available.

### DISCRIMINATION IN EMPLOYMENT

Act 180 (Approved 6/3/63; effective 1/1/64). A fair employment practice act. Makes it unlawful to discriminate in employment because of race, sex, age, religion, color, or ancestry. Prohibits specified practices by employers, employment agencies, or labor organizations. Includes such actions as refusing to hire, except for good cause, or discriminating in conditions of employment; excluding, expelling, or otherwise discriminating in union membership; and advertising, using job application forms, or making inquiries expressing any limitation, specification, or discrimination, unless based on a bona fide occupational qualification.

Specifies that the act shall not be construed: to conflict with child labor laws; to prohibit establishing bona fide occupational qualifications; to prevent the termination or change of the employment of a person who is unable to perform his duties; to interfere with the operation of bona fide retirement, pension, employee benefit or insurance plans; or to bar specified religious organizations from giving preference to persons of the same religion.

Makes the State Department of Labor and Industrial Relations responsible for administration and enforcement and gives it rule-making authority to administer the act.

Directs the department to make an investigation when it appears to it that unlawful discrimination may have been committed, and to endeavor to eliminate the discrimination by conference, conciliation, and persuasion. Also provides that an aggrieved person, or the Attorney General, may file a complaint with the department; directs the department to investigate the complaint and attempt to eliminate the discrimination and, if this fails, to hold a hearing, conducted in accordance with the Hawaii Administrative Procedure Act. On a finding of discrimination, provides that the department shall issue a cease-and-desist order and a requirement that affirmative action be taken, such as hiring, reinstatement, or restoration to union membership. Provides that the order include a reference to the respondent's right of appeal under the Administrative Procedure Act.

Sets penalties for willful violation of an order, and for willful interference with the department in the performance of its duties under the act.

#### INDUSTRIAL RELATIONS

Act 53 (Approved and effective 5/20/63). Extends employer coverage under the Labor Relations Act to include employers of 2 or more individuals, instead of 8 or more.

Act 106 (Approved and effective 5/29/63). Prohibits several strikebreaking practices. Makes it unlawful: for a person who is not directly interested in a labor dispute to recruit or supply a replacement for an employee involved in the dispute; for a person involved in a labor dispute to knowingly employ as such replacement a person who customarily and repeatedly offers himself for employment as such a replacement, or to knowingly employ as a replacement someone recruited or supplied by a person not directly involved in the dispute, or to arrange with another person to recruit or supply a replacement; and for a person who customarily and repeatedly offers himself as a replacement in a labor dispute to take or offer to take the place of an employee involved in a dispute. Also makes it unlawful to recruit or advertise for employees, or refer persons to employment, as a replacement without adequate notice that there is a labor dispute and that the employment offered is as such replacement.

Requires any person who advertises for employees to work for him at a shop, plant, or establishment, or seeks them by means of an employment agency, while a labor dispute is in active progress, to explicitly mention that there is a dispute; also requires insertion of the name of the person placing such advertisement, or, if he is representing someone else, the name of the person responsible for the advertisement.

Act 200 (Approved and effective 6/5/63). Enacts an anti-injunction law patterned after the Federal Norris-La Guardia Act.

#### OLDER WORKERS

Act 198 (Approved and effective 6/5/63). Creates a State Commission on Aging which includes in its membership the Director of Labor and Industrial Relations. Provides, among other duties, that the commission shall review existing legislation for older persons, including the field of employment, and make recommendations for legislation or administrative action.

#### STATE DEPARTMENT OF LABOR

Act 27 (Approved and effective 5/7/63). Adds to the functions of the Department of Labor and Industrial Relations the development, preparation, and dissemination of information on employment, unemployment, and general labor market conditions.

Act 55. See Apprenticeship.

#### TRAINING AND RETRAINING

Act 55. See Apprenticeship.

Act 74 (Approved and effective 5/22/63). Provides for the establishment of a civilian corps for forestry conservation work; authorizes the Department of Land and Natural Resources to activate such a corps from among the men in a county whenever that county's level of unemployment reaches 6 percent of its labor force and remains at that level for 3 months. Provides that a program shall be terminated when the unemployment level remains below 4 percent for three continuous months, but not sooner than one year after its inception.

Authorizes the Governor to avail the State of the benefits of any existing or subsequently enacted Federal legislation relating to a youth conservation corps, or State and community youth employment programs, or similar programs. Also authorizes the Governor to enter into agreements for such State participation or to designate a State department to do so, and to defray the applicable share of the State's cost.



## UNEMPLOYMENT INSURANCE

Act 168 (Approved 6/3/63; effective 7/1/63). Adds temporary fund-solvency measures, including an increase in the maximum tax rate from 2.7 percent to 3.0 percent, to expire on June 30, 1964.

Act 174 (Approved and effective 6/3/63). Provides that an otherwise eligible claimant shall not be denied benefits if he is regularly attending a vocational training or retraining course approved for him by the director.

## WAGE PAYMENT AND WAGE COLLECTION

Act 158 (Approved 6/3/63; effective 1/1/64). Amends the wage payment and wage collection law. Adds a definition section: defines "employee" and "employer" to cover all private employment as before, and specifically exempts governmental units; extends "wages" to include the cost of board, lodging, or other facilities if customarily furnished by the employer, and specifically excludes tips or gratuities.

Newly requires semimonthly payment, in lawful money or by check fully convertible to cash on demand, on regular paydays designated in advance. Authorizes the labor director to permit less frequent paydays but not less often than monthly, upon employer application showing sufficient reasons. Reduces the permissible holdover period from 15 days to 7 days after the end of each pay period. Also makes several changes relating to the time of payment to employees who are separated from the payroll.

Requires the employer to: give written notice at the time of hiring of the rate of pay and the time and place of payment; give advance written or posted notice of changes in these arrangements; make available through written or posted notice information on vacation pay and sick leave policies; and furnish each employee every payday a written statement showing, among other things, the amount of compensation and each deduction.

Adds to the list of prohibited deductions those due to losses because of dishonored checks, defective workmanship, lost or stolen property, damage to property, or default of customer credit if such losses are not attributable to the employee's intentional disregard of the employer's interest.

Makes the Director of Labor and Industrial Relations responsible for administration of the law (as well as for its enforcement, as before) and gives him rulemaking authority to carry out its provisions. Specifically empowers him to investigate charges of violation, enter and inspect such places, investigate facts he deems appropriate, and institute actions for penalties. Retains the director's authority to take assignment of wage claims but drops the \$500 limitation formerly set on the amount of such claims. Permits the court to allow the plaintiff certain costs, in addition to any judgment awarded him.

Makes the penalty provision applicable to any willful violator, instead of to one who has the ability to pay.

#### WAGES--PREVAILING WAGES

Act 44 (Approved and effective 5/18/63). Amends the prevailing wage law to specifically exclude the cost of fringe benefits from the definition of "basic hourly rate," but adds a new definition of "wages" and "prevailing wages" to mean the basic hourly rate and the cost to the employer of furnishing a laborer or mechanic with such fringe benefits as health and welfare, vacation, and pension benefits.

Makes this amendment effective on approval, but specifies that the inclusion of fringe benefits in "wages" shall become effective only in those cases determined by the Director of Labor and Industrial Relations, acting as rapidly as possible.

#### WAGES AND HOURS--ALL WORKERS

Act 49 (Approved and effective 5/18/63). Amends the minimum wage law to add paroled wards of the Hawaii Youth Correctional Facility to the categories of employees (such as learners, apprentices, and certain students) who may be employed under special certificate at rates lower than the statutory minimum, subject to numerical limitation.

Makes changes in enforcement provisions under the act.

#### WORKMEN'S COMPENSATION

Act 103 (Approved 5/29/63; effective 7/1/63). Provides for special levies and charges to finance the Special Compensation Fund, of 3/4 of one percent on the gross premiums of workmen's compensation insurers and a special charge based on compensation payments of self-insured employers. (The Fund is used for subsequent-injury benefits and other purposes.) Makes no change in the requirement for payment into the Fund of \$2,000 in each death case where there are no dependents entitled to compensation.

Act 116 (Approved 5/31/63; effective 7/1/63). Recodifies the workmen's compensation law. Among the major changes are:

Raises from \$18 to \$35 the minimum weekly benefits for permanent partial disability. Removes the \$25,000 total maximum benefits for schedule permanent partial disability.

Strengthens procedures for providing vocational rehabilitation. Newly provides for the payment of the actual amount of travel, tuition, books and equipment, and up to \$35 a week for living expenses while away from home. Sets the maximum amount for any one person at \$5,000. Specifies that this amount be paid from Federal or State funds if available; otherwise, from the special fund. Previously, up to \$1,000 could be expended from the special fund for any one person during the period of training and rehabilitation.

Newly requires, in computing benefits for permanent disability or death in the case of minors under 25 years of age, that wages be assumed to be what the minor would have earned at age 25. Deletes the minimum benefits of \$18 a week for permanent partial disability for minors. Adds to those considered dependents married children under age 18 who are actually dependent on the deceased. Authorizes payment of benefits to an unmarried child 18 years of age or over so long as he is incapable of self-support, rather than limiting such payments to 104 weeks after age 18.

Changes the application of the 2-year time limit for filing claims from "after date of injury or death" to "after the date at which the effects of the injury become manifest," but retains the provision that claims must be filed within 5 years from the date of the accident.

Makes employer liable to pay into the special compensation fund the full unpaid balance of a disability award up to \$25,000 in cases of death resulting from other than the compensable injury, when there are no dependents. Formerly, the employer was liable to pay only up to \$2,000 to the fund. Retains the flat \$2,000 payment into the fund when death results from a compensable injury and there are no dependents.

Authorizes selection of the services of an out-of-State medical specialist for an injured employee if comparable services are not available within the State.

Requires the director to pay from the special compensation fund the full amount due in case of an employer's default, instead of limiting the amount to \$1,000 from the special compensation fund.

# IDAHO

[Regular Session 1/7/63--3/19/63]

## CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 13 (Approved 2/15/63; effective 7/1/63). Recodifies and revises the education laws. Includes a few changes that affect school attendance. As before, requires school attendance of children between the ages of 7 and 16 years (with certain exceptions) for the entire session, but drops the provision which formerly authorized district boards of trustees to permit children in the 6th, 7th, and 8th grades to attend for 8 months instead of 9 months, on parental request. Specifically provides that the school term set by each board of trustees shall in no case be less than 9 months.

Revises the provision that authorizes district school trustees to levy an additional tax of up to 5 mills to educate the children of migrant farm laborers living in labor camps within the school district. Drops the requirement that such additional tax be approved by the voters of the district. Requires voters' approval only if the additional tax levied for this purpose, when combined with other school taxes, exceeds 30 mills.

Ch. 126 (Approved and effective 3/16/63). Reenacts the law creating an Idaho Youth Conservation Project, thereby making permanent the two-year pilot project authorized by a 1961 enactment. Provides for the same type of summer conservation camp program for boys 14-17 years of age as before, under the jurisdiction of the State Forester.

Ch. 281. See Hours of Work.

## HOURS OF WORK

Ch. 281 (Approved 3/27/63; effective 5/18/63). Drops the maximum 9-hour day for females (including girls age 16 and 17) in establishments covered by the law, and requires instead payment of time and one-half for hours worked in excess of 8 a day or 48 a week.

## INDUSTRIAL RELATIONS

Ch. 110 (Approved 3/14/63; effective 5/18/63). Amends the provision relating to the duties of the labor commissioner in conducting representation elections when a question arises concerning the collective bargaining unit. Directs the commissioner to investigate the controversy, provide for a hearing, and certify the representatives. Provides that the commissioner may take a secret ballot to ascertain representation. (Formerly, the law directed the commissioner to determine employee representatives by taking a ballot and certifying the results when a representation question arose and "when requested to do so by any employer or employee.") Newly bars another election in a bargaining unit for one year after a valid election has been held.



Authorizes the commissioner to establish rules and regulations for filing petitions for investigation and certifying employee representatives. Specifically requires the parties to bargain in good faith when the commissioner has designated a bargaining agent for a unit, and newly sets penalties for failure to comply with the act.

#### MIGRATORY WORKERS

Ch. 13. See Child Labor and School Attendance.

#### UNEMPLOYMENT INSURANCE

Ch. 271 (Approved 3/27/63; effective 5/19/63). Changes requalifying requirement from 30 days bona fide work to 8 times the weekly benefit amount in bona fide work, and extends the application of this provision to individuals who have drawn 75 percent or more of their benefits in the first benefit year.

Amends the provision denying benefits to any individual receiving benefits under an unemployment compensation law of the United States to specify that any Federal law providing payments of any type and in any amount for periods of involuntary unemployment shall be considered an unemployment compensation law of the United States.

Ch. 314 (Approved and effective 3/28/63). Increases the standard tax rate from a flat 2.7 percent to a variable rate ranging between 2.7 percent and 3.3 percent, depending on the condition of the fund.

Increases the taxable wage base from \$3,000 to \$3,600. Repeals the provision for an automatic increase in the taxable wage base when the Federal unemployment tax base is increased to exceed \$3,000.

Makes revisions in the tax structure, including an increase in the maximum tax rate from 3.375 percent to 5.1 percent.

#### WAGES AND HOURS--ALL WORKERS

Ch. 9 (Approved 2/8/63; effective 5/18/63). Raises the statutory minimum wage from 75 cents to \$1 per hour.

#### WORKMEN'S COMPENSATION

Ch. 46 (Approved 2/28/63; effective 7/1/63). Raises the maximum weekly benefits for total disability from a range of \$28-\$48 to \$32-\$52, according to the number of dependents, and the minimum weekly benefits from a range of \$12-\$30 to \$15-\$33, for the first 400 weeks and raises from a range of \$12-\$30 to \$15-\$33 the amount payable thereafter.

## Idaho

Ch. 277 (Approved 3/27/63; effective 5/18/63). Reduces total benefits payable for accidental death according to the extent that the Industrial Board determines that a preexisting condition contributed to the death of the worker.

Ch. 331 (Approved 3/29/63; effective 7/1/63). Changes provisions on extraterritorial coverage. Specifies that an injured (or deceased) worker is entitled to benefits if his employment is (1) principally localized in Idaho, or (2) he is working under a contract of hire made in Idaho in employment which is not principally localized in any State, or (3) he is hired in Idaho but his employment is localized in another State whose workmen's compensation law is not applicable to his employer, or (4) he is hired in Idaho for work outside the United States and Canada.

Newly provides that payments under the workmen's compensation law of another State shall not bar an Idaho claim, but such foreign payments shall be credited against amounts recoverable in Idaho. Requires that such a claim under the Idaho law must be filed within two years after the injury or death.

Empowers the board, with the approval of the Governor, to enter into reciprocal agreements with the appropriate agencies of other States with respect to extraterritorial jurisdiction.

## ILLINOIS

[Regular Session 1/9/63--6/28/63]

### DISCRIMINATION IN EMPLOYMENT

H. 137 (Approved and effective 8/13/63). Extends coverage of the Fair Employment Practices Act to employees of the State and any political subdivision, municipal corporation, or other governmental unit or agency. Exempts principal administrative officers and elected public officials or members of their immediate personal staff.

Makes procedural changes in the law.

### HOURS OF WORK

H. 568 (Approved 6/25/63; effective 7/1/63). Prohibits a driver from operating a motor vehicle carrying more than seven persons for longer than 10 hours following 8 hours off duty, or from driving any time after being on duty 15 hours following 8 consecutive hours off duty, without 8 consecutive hours off duty; prohibits him from remaining on duty more than 60 hours in any 7 consecutive days. Among the exemptions are hauling in connection with the agricultural operations of canning, packing, or freezing establishments engaged in the growing and processing of perishable fruits and vegetables.

Authorizes the Department of Public Safety to make rules governing emergency exemptions.

INDUSTRIAL RELATIONS

H. 186 (Approved and effective 8/16/63). Authorizes local governmental agencies to provide by ordinance or resolution for the withholding of union dues, among other permitted withholdings, upon the written request of the employee. Provides that the agency may receive reimbursement from the labor organization for the attendant cost.

H. 435. See Miscellaneous.

MIGRATORY WORKERS

H. 260 (Approved and effective 4/18/63). Makes the provisions of the 1961 labor camp act applicable to camps which are operated for 21 days or more a year and which are used as living quarters for 10 or more rather than 6 or more migrant workers. (The 1961 act requires annual licenses; sets location, sanitation, and other standards; and gives the health department rulemaking and inspection authority.) Permits the department to fix different requirements for camps constructed before and after this amendment, and further provides that the department shall approve and license prior construction "where such camps are habitable and may be used without harm or undue prejudice to migrant workers or their families." Requires the public health director to appoint an advisory committee of at least five members representing vegetable and fruit growers, canners, and the public, who are familiar with migrant camps operated for an aggregate of 21 days or more a year; requires the department to advise with the committee on administration of the act, regulations issued under it, the needs of migrant workers and their families, and related problems. Modifies certain standards; for example, makes the requirement for laundry facilities applicable only to areas where public laundry facilities are not reasonably available, and specifically permits individual cooking facilities to be located in an area used also for sleeping quarters.

Adds new provisions setting less detailed health and sanitation standards for camps operated for less than 21 days a year or used by four to nine migrant workers and their dependents. Specifically exempts such camps from the licensing requirement, and does not include them within the coverage of the department's rulemaking authority. However, specifically includes them within the department's inspection authority, and makes violation of the standards subject to the penalty provision.

OCCUPATIONAL SAFETY AND HEALTH

S. 756 (Approved and effective 8/16/63). Amends the Radiation Protection Act of 1959. Directs the Department of Public Health to provide by regulation for the licensing of by-product, source, or special nuclear materials, or devices or equipment utilizing such materials; authorizes it to require registration of other sources of ionizing radiation. Provides that the licensing requirements shall not be effective until an agreement is made for the transfer of Federal regulatory authority to the State. (A 1957 act gave the department authority to require registration of radiation installations, and a 1959 act gave it rulemaking authority.)

Provides that the department shall require records to be kept by each person possessing or using a source of radiation, including records showing radiation exposure of individuals for whom the department requires personnel monitoring. Requires such records to be furnished the employee annually upon request, at any time he has received excessive exposure, and upon termination of employment.

Authorizes the department to enter into agreements with the Federal Government, other States, or interstate agencies, for cooperative performance of inspection or other control functions. Also authorizes the department to set up training programs to qualify personnel and to make such personnel available for participation in programs of the Federal Government, other States, or interstate agencies.

Authorizes the Governor to enter into an agreement with the Federal Government to transfer to the State certain responsibilities for regulation of radiation sources.

Specifically empowers the department to enter upon private or public property to determine compliance.

S. 757 (Approved and effective 8/13/63).

S. 835 (Approved and effective 8/16/63).

S. 837 (Approved and effective 8/28/63).

S. 838 (Approved and effective 8/16/63). Amends the Civil Administrative Code. Adds to the regulatory authority of the Department of Public Health in relation to radiation sources the specific power: to license radiation sources (retains the department's registration and inspection authority); to maintain a registry of film badge monitoring records and regulate film badge monitoring services (S. 837 makes a \$30,000 appropriation for this purpose for the biennium ending June 30, 1965; to acquire, supervise, and regulate disposal sites for radioactive wastes.



## Illinois

S. 836 (Approved and effective 8/16/63). Requires employers to provide personnel radiation monitoring service acceptable to the Department of Public Health for each person subject to the department's monitoring requirements; to keep prescribed records of the radiation exposure of such employees; and to forward such records to the department periodically and on termination of the employee's employment.

Prohibits any person or firm from furnishing a film badge radiation monitoring service in the State without approval from the Department of Public Health. Provides that those now providing such service without department approval may continue to do so for 6 months after the effective date of this act.

### TRAINING AND RETRAINING

S. 1160 (Approved and effective 8/16/63). Among several amendments relating to welfare assistance for families of dependent children under the Public Assistance Code, includes provisions for the vocational training of such parents. For example, directs the Public Aid Commission to cooperate with other agencies in developing, or itself to establish, educational and vocational training and retraining programs to improve the employment skills of the parents and the children nearing adulthood and to develop work training projects for them in service or training with public or nonprofit community agencies. Requires such welfare recipients to participate in these programs when directed to do so, as a condition for continuation of assistance. Also requires such unemployed or underemployed parents (other than the person needed at home to care for the children) to register with the public employment service and accept suitable employment when offered.

### UNEMPLOYMENT INSURANCE

H. 1574 (Approved and effective 7/1/63). Extends for 2 years the provision permitting the payment of benefits to individuals undergoing retraining.

### WORKMEN'S COMPENSATION

S. 497 (Approved and effective 7/25/63). Makes corresponding changes in occupational diseases law as are made in the workmen's compensation law by S. 498.

S. 498 (Approved and effective 7/25/63). Permits an injured employee to use the services of a duly accredited practitioner of a recognized church or religious denomination if he and his employer so agree in writing and the employee submits to all physical examinations required under the law.

## Illinois

S. 1096 (Approved and effective 8/5/63). Amends the workmen's compensation law. Requires a report to the employer of injury caused by exposure to radiological materials or equipment within 90 days after employee knows or suspects that he has received an excessive dose of radiation. Requires claims for radiological injury to be filed within 15 years after the last day that employee was employed in an environment of hazardous radiological activity. (In all other injuries, claim must be filed within one year after injury.)

S. 1097 (Approved and effective 8/5/63). Specifies that occupational diseases caused by atomic radiation will be compensable within 15 years, rather than 5 years, after last exposure.

### MISCELLANEOUS

H. 435 (Approved and effective 8/23/63). Requires that a person who administers a "detection of deception" examination, using any device or instrument, must obtain a license from the Department of Registration and Education. Among other provisions sets qualifications for obtaining a license, and requires the examiner to advise the subject of the results of the test, on his written request. Exempts persons who administer such examinations for not more than 20 days a year, on payment of a registration fee and on filing specified information; and exempts physicians using such equipment for research. Also provides that a person who has engaged in this occupation before April 1, 1963 may be issued a license without examination.

## INDIANA

[Regular Session 1/10/63--3/11/63]

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 371. See Training and Retraining.

### DISCRIMINATION IN EMPLOYMENT

Ch. 173 (Approved 3/9/63; effective 8/12/63). Makes mandatory the former voluntary fair employment practice act by authorizing the issuance of court-enforceable orders, and revises its provisions.

## Indiana

Changes the name of the Fair Employment Practices Commission to the Civil Rights Commission. Extends the law to apply also to equal opportunities in education and access to public accommodations (in addition to employment, as before), declaring all such equal opportunities to be civil rights. Designates as a discriminatory practice the denial of such rights by reason of race, creed, color, national origin, or ancestry.

Specifically provides that a discriminatory practice complaint may be filed against an employer, labor organization, or employment agency, and establishes the filing procedure. Retains the authority of the commission to hold hearings, and authorizes it to issue court-enforceable cease-and-desist orders and to require affirmative action. Specifically prevents the commission from holding hearings in the absence of a complaint and removes its former authority to initiate charges of discrimination.

Exempts employers of less than 6 persons; nonprofit social, fraternal, or religious associations; and any school, educational or charitable religious institution owned, conducted, or affiliated with a religious institution. (Formerly, only religious associations that were not supported by public funds were exempted.)

### HOURS OF WORK

Ch. 227 (Approved 3/12/63; effective 8/12/63).

Ch. 268 (Approved 3/13/63; effective 8/12/63). Repeals existing laws regulating hours of service of drivers of motor vehicles operated for common or contract carriers for hire, and adopts by reference the regulations of the Interstate Commerce Commission prescribing hours of service of motor vehicle operators. Authorizes the Public Service Commission to adopt regulations incorporating any modifications that may be made by the Interstate Commerce Commission in its regulations. Exempts from the State regulations vehicles operated within a 50-mile radius of the principal garage or terminal of the carrier.

### INDUSTRIAL RELATIONS

Ch. 412 (S. Con. Res. 19) (Approved 3/13/63). Resolves that a committee be created composed of two members from each branch of the legislature and one member appointed by the Governor to study the question as to whether employee welfare and pension funds should be supervised by the State. Calls for a report by September 1964 to the Legislative Advisory Commission for transmission to the 1965 legislature.

## Indiana

### TRAINING AND RETRAINING

Ch. 371 (Approved 3/15/63; effective 8/12/63). Authorizes the establishment of the Indiana Vocational Technical College, to be devoted exclusively to practical or vocational, technical and semitechnical training of a post high school, noncredit nature for nongraduates or graduates of high school or college and for adults who need or desire retraining or additional training. Provides for the appointment of a board of trustees to govern the institution, which is authorized to establish one or more training centers when approved by the legislature and recommended by the board after study. Designates the institution as the official instrument of the State for performing these educational functions, and authorizes the Governor to designate it as the agency for carrying out provisions of Federal statutes relating to such training.

### WORKMEN'S COMPENSATION

Ch. 387 (Approved 3/15/63; effective 4/1/63). Raises from \$65 to \$70 the average weekly wages to be used in computing benefits, thus raising from \$39 to \$42 the maximum weekly benefits for death and all types of disability. Raises burial payments from \$500 to \$750. Raises from \$15,000 to \$16,500, exclusive of medical benefits, the maximum compensation with respect to any injury occurring after April 1, 1963.

Requires an employer to furnish medical services during the period of temporary total disability following occurrence of injury and prior to an adjudication of permanent impairment, rather than during the first 180 days. Retains provision that thereafter the employer shall furnish medical services as the Industrial Board deems reasonably necessary. Newly requires an employer to pay reasonable travel and per diem expenses of an injured employee who is requested to submit to treatment outside the county of employment.

Sets 175 weeks for complete loss of vision by enucleation rather than for loss of the sight of an eye. Compensates for a period proportional to the degree of permanent reduction in sight in cases of less than total enucleation.

Ch. 388 (Approved 3/15/63; effective 4/1/63). Makes changes in the occupational diseases act largely identical with those made by Ch. 387 in the workmen's compensation act.

Newly provides that when an employee who has been awarded compensation for a definite period dies from causes other than the occupational disease for which compensation was awarded, payment of the unpaid balance up to 500 weeks shall be made to whole dependents, and up to 350 weeks to partial dependents.



## Indiana

### MISCELLANEOUS

Ch. 345 (Approved 3/14/63; effective 7/1/63). Creates, as a State department, the "Indiana Youth Council," composed of a representative of each of the following departments or boards: Administration, Correction, Board of Education, Public Welfare, Board of Health, Mental Hygiene, and Labor; and 16 persons appointed by the Governor who have interest or training in programs dealing with youth problems. Authorizes and directs the council to perform various planning, leadership, and coordinating functions relating to local or State public or private programs for the prevention, control, and treatment of juvenile delinquency. Includes authority for the council, when directed by the Governor or the legislature, or when requested by a State agency, to assist in correlating youth programs of the State agency with those of other State or Federal agencies. Provides for the creation of a "Citizens Advisory Committee" to assist the council.

## IOWA

[Regular Session 1/14/63--5/23/63]

### DISCRIMINATION IN EMPLOYMENT

Ch. 330 (Approved 5/6/63; effective 7/4/63). Makes it unlawful for a person or employer to discriminate in employment, or for a labor organization or officer to discriminate as to membership, against any individual because of race, religion, color, national origin, or ancestry. Includes a proviso in the employment discrimination ban that the individual must be qualified to do the work required.

Makes violation subject to a fine of up to \$100 or imprisonment up to 30 days.

### WORKMEN'S COMPENSATION

Ch. 85 (Approved 4/19/63; effective 7/4/63). Extends compulsory coverage of the law to employees of the County Board of Education.

Ch. 87 (Approved 3/28/63; effective 7/4/63). Raises from a range of \$32-\$44 to \$34-\$50, according to the number of dependents, the maximum weekly benefits for temporary total disability.

## Iowa

Provides unlimited medical benefits; however, amounts exceeding \$7,500 must have the approval of the commissioner. Formerly the initial medical benefits were limited to \$3,000 and the commissioner could approve an additional \$2,000.

Raises from \$300 to \$500, the maximum burial allowance.

Provides that if an injured worker has erroneously received benefits on account of his injury under a group non-occupational disability plan and is entitled to benefits under the workmen's compensation or occupational disease acts, the amounts received under the group plan shall be deducted from benefits under the workmen's compensation or occupational disease acts, and the plan reimbursed in the amount so deducted.

Ch. 89 (Approved and effective 6/4/63). Removes the provision that to be compensable, disability or death from an occupational disease resulting from over-exposure to ionizing radiation or radioactive substances must occur within two years from the last day of exposure.

Retains requirement that claims be filed within 90 days after disablement or death or after the employee has knowledge or should have knowledge that his disablement was caused by over-exposure to ionizing radiation.

## KANSAS

[Regular Session 1/8/63--4/16/63]

### OCCUPATIONAL SAFETY AND HEALTH

Ch. 290 (Approved 4/16/63; effective 7/1/63). Enacts a "Nuclear Energy Development and Radiation Control Act," and repeals the 1959 acts for radiation protection and atomic development coordination. Designates the State Board of Health as the State radiation control agency and empowers it to inspect radiation sources. Directs the board to provide by regulation for the licensing of by-product, source, and special nuclear materials or devices, and authorizes it to issue rules and regulations on all other sources of ionizing radiation and to require licensing or registration for them. Also directs the board, among other duties, to develop programs for regulation and inspection; evaluate radiation hazards; and require that certain records be kept, including records showing radiation exposure of individuals for whom the board requires personnel monitoring. Requires such records to be furnished the employee annually, at any time he has received excessive exposure, and upon termination of employment.

## Kansas

Authorizes the Governor to enter into an agreement with the Federal Government for transfer to the State of certain responsibilities for control of sources of ionizing radiation. Authorizes the board, with the Governor's approval, to enter into agreements with the Federal Government, other States, or interstate agencies, for cooperative inspections or performance of other radiation control functions. Authorizes the board to institute training programs to qualify personnel and to make such personnel available for participation in programs of the Federal Government, other States, or interstate agencies.

Directs specified State agencies to study what changes in the law are necessitated by the generation of radiation, to recommend changes, and to propose regulations to the board. Includes among these agencies the State labor department which is to study particularly hazardous working conditions, and the workmen's compensation director, to study the workmen's compensation law as it affects radiation claims.

Authorizes the Governor to appoint a Nuclear Energy Advisory Council of up to 11 members, composed of a member of the Senate, the House, and the Industrial Development Commission or its successor, and at least five members with training in specified sciences. Provides that the council shall evaluate the studies, recommendations, and proposals of the State agencies; act as an advisory and coordinating group; and keep the Governor informed of activities affecting nuclear developments.

### TRAINING AND RETRAINING

Ch. 278 (Approved 4/15/63; effective 6/30/63). Authorizes the Employment Security Division of the Department of Labor and the State Board for Vocational Education to participate in the Federal Manpower Development and Training Act of 1962 by providing, from legislative appropriation, State matching funds on and after July 1, 1964, to the extent required by the Federal act. (The need for State funds for the fiscal year 1965 was eliminated by P.L. 88-214. See United States.) Ratifies the agreements heretofore made under the act by the Governor.

### WORKMEN'S COMPENSATION

SCR 34 (Adopted 4/10/63). Directs the Legislative Council to study general costs of workmen's compensation to the employer, and to report and make recommendations to the next general session of the legislature.

Ch. 144 (Approved 4/12/63; effective 6/30/63). Removes the time limits for compensability for disablement or death in case of an occupational disease caused by ionizing radiation. Retains the time limits for compensability for other occupational diseases.

## Kansas

Sets a time limit for filing radiation claims of 1 year after the date the employee first suffered incapacity from exposure to radiation and either knew or should have known that the disease was caused by his employment. Formerly, claims had to be filed within 3 years after the termination of employment by the last employer in whose employ exposure occurred.

Ch. 275 (Approved 4/17/63; effective 6/30/63). Raises from \$38 to \$42 the maximum weekly benefits for death and all types of disabilities, and from \$13,500 to \$15,000 the total death benefits. Raises the maximum medical benefits from \$4,000 to \$6,000 and removes the 120-day limitation for medical benefits. Provides that fees for doctors, nurses, and hospitals shall be limited to amounts approved by the director.

## MAINE

[Regular Session 1/2/63--6/22/63]

[First Special Session 1/6/64--1/17/64]

### APPRENTICESHIP

Ch. 72 (Approved 3/15/63; effective 9/21/63). Adds to the apprenticeship law a requirement that apprenticeship agreements contain a provision that there will be no discrimination because of sex, race, creed, or color in the employment of apprentices under the program.

Increases from 9 to 11 the number of members on the State Apprenticeship Council, by adding one each of employer and employee representatives. Provides, as before, that council members shall be appointed by the Governor but brings the council under the administration of the labor department in certain respects. For example, makes the labor commissioner responsible for disbursement of the council's funds and for the selection and supervision of its employees. Newly designates as nonvoting ex officio members of the council: the labor commissioner, the chairman of the State employment security commission, and the vocational education director.

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 91. See Hours of Work.



## Maine

Ch. 132 (Approved 3/29/63; effective 9/21/63). Provides for the use of one type of employment certificate, instead of two, for the employment of children under 16 either outside school hours or during the summer school vacation--a part-time and vacation permit. Drops the provision under which vacation permits formerly became void automatically in September of each year, and the provision that a recommendation of the guidance counselor may be required for the issuance of a part-time permit. (Retains the provision dealing with other types of certificates.)

Ch. 422 (Approved and effective 1/15/64). Permits children under age 14 to be employed in school lunch programs if limited to serving food and cleaning up dining rooms, by exempting them from the basic 14-year minimum otherwise applicable to employment in any eating place.

## DISCRIMINATION IN EMPLOYMENT

Ch. 72. See Apprenticeship.

## HOURS OF WORK

Ch. 91 (Approved 3/21/63; effective 9/21/63). Adds nursing homes to the list of industries covered by the provisions which set a maximum 9-hour day (up to 10 hours permitted to make one short day a week) and 54-hour week for females. (These provisions apply to females 16 years and over, inasmuch as another section of the law sets lower maximum hours for girls and boys under 16.)

## OCCUPATIONAL SAFETY AND HEALTH

Ch. 105 (Approved 3/27/63; effective 9/21/63). Authorizes the Commissioner of the State Department of Labor and Industry to conduct a program of research, education, and promotion to reduce industrial accidents.

## STATE DEPARTMENT OF LABOR

Ch. 72. See Apprenticeship.

## UNEMPLOYMENT INSURANCE

Ch. 413 (Approved 6/27/63; effective 9/20/63). Provides that income earned for services as a volunteer fireman shall not be considered as "wages" in determining total or partial unemployment.

## Maine

### WORKMEN'S COMPENSATION

Ch. 348 (Approved 6/7/63; effective 11/30/63). Raises from \$39 to \$42 the maximum weekly benefits for death and all types of disability. Raises from \$15 to \$18 the minimum weekly benefits for total disability and death. Raises the total maximum benefits from \$11,700 to \$12,600 for death, and from \$19,500 to \$21,000 for total disability (exclusive of rehabilitation benefits).

Provides for full medical benefits by statute. Formerly such benefits were limited to 30 days and \$100, but longer periods and greater sums were permitted by the Industrial Accident Commission.

Reduces from 28 to 21 days the waiting period before benefits may be paid for the first 7 days of disability.

### MISCELLANEOUS

Ch. 90 (Approved and effective 3/21/63). Authorizes counties to use county funds for the purchase of accident and disability insurance to cover all persons acting as firemen, paid or unpaid, for any fire department in the county.

## MARYLAND

[Regular Session 1/2/63--4/1/63]

### OCCUPATIONAL SAFETY AND HEALTH

Ch. 680 (Approved 4/30/63; effective 6/1/63). Provides for the entrance of Maryland into the Southern Interstate Nuclear Compact.

The compact declares that the proper employment of nuclear energy can assist substantially in the industrialization of the South, and that optimum benefit from an acquisition of nuclear resources and facilities requires systematic encouragement, guidance, and assistance from the party States on a cooperative basis.

The compact makes 16 specified Southern States eligible for membership and requires its enactment by 7 States before becoming effective. (Maryland is the 12th State to join.) It creates the Southern Interstate Nuclear Board, composed of one member from each party State, provides for the financing of the board's budget by appropriation from each party State, and authorizes the board to establish advisory and technical committees as it may deem necessary.

## Maryland

The compact empowers the board, among other things, to encourage the development and use of nuclear energy facilities; conduct programs of training for State and local personnel engaged in nuclear industry, medicine, education, or formulation of safety measures; study and recommend changes in industrial health, safety, and other laws, regulations, and administrative practices of the party States; and act as licensee of the United States Government or any party State with respect to the conduct of research activity. It provides that nothing in the compact shall permit the board to exercise any regulatory authority, or own or operate any nuclear reactor for the generation of electric energy, or own or operate any installation for commercial purposes.

(The compact became effective in 1962 following passage by the U. S. Congress of consent legislation, by P.L. 87-563, approved 7/31/62. This law also provides that the Federal Government may be represented on the Board, and authorizes the cooperation of heads of Federal departments, including the Secretary of Labor.)

Ch. 745 (Approved 4/30/63; effective 6/1/63). Directs the Commissioner of Labor and Industry to appoint at least 6 additional safety inspectors, qualified and trained in occupational safety, to enforce safety codes in the construction and other hazardous industries.

### STATE DEPARTMENT OF LABOR

Ch. 745. See Occupational Safety and Health.

### WAGES--PREVAILING WAGES

Ch. 748 (Approved 4/30/63; effective 6/1/63). Provides that the County Commissioners of Prince Georges County shall insert in every county public works contract a requirement for the payment of prevailing wages. Makes this provision effective only after the commissioners have studied county prevailing wages and the impact of this requirement on the county school and road construction programs, on local labor-management relations, and on other matters raised by the public or an advisory committee appointed by the commissioners; have determined and set the applicable prevailing rates; and have determined and adopted a resolution that this provision is beneficial to the county. Thereafter, authorizes the commissioners to redetermine and fix prevailing rates periodically, after consideration and after public hearing if requested by any person. (Maryland does not have a statewide prevailing wage law; it has a law applicable only to contracts let by the State Roads Commission for Allegany, Garrett, and Washington counties.)

Maryland

WAGES--WAGE GARNISHMENT

Ch. 551 (Approved 4/30/63; effective 6/1/63).

Ch. 787 (Approved 4/30/63; effective 6/1/63). Exempts from garnishment 75 percent, rather than \$100, of the wages due a laborer or employee in Caroline, Cecil, Kent, Queen Annes, and Worcester Counties. (Retains the \$100 exemption for the remainder of the State.)

WORKMEN'S COMPENSATION

Ch. 215 (Approved 3/29/63; effective 6/1/63). Directs the Workmen's Compensation Commission to establish a rehabilitation program and to employ as many rehabilitation counsellors as are necessary (instead of only one as formerly) to review all reports and claims and to investigate and select cases for referral to the Division of Vocational Rehabilitation. Formerly, referrals were limited to permanent disability cases.

Ch. 809 (Approved 5/6/63; effective 6/1/63). Broadens the subsequent-injury provisions to provide benefits if an employee has a combined permanent disability exceeding 50 percent of the body as a whole, resulting from impairment due to a previous accident or disease or congenital condition and a subsequent compensable injury. As before, makes the employer liable for benefits on account of the subsequent-injury only, and the subsequent-injury fund liable for remaining benefits. Changes the method of financing the fund from specified payments in cases of death and permanent partial disability to assessments equal to one percent of awards for permanent disability and death and also of settlement agreements approved by the Workmen's Compensation Commission. Provides for suspension of such contributions when the fund reaches \$500,000 and resumption of contributions when it is reduced below \$250,000.

MASSACHUSETTS

[Regular Session 1/2/63--11/16/63]

CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 1. See Emergency Relaxations.

EMERGENCY RELAXATIONS

Ch. 1. (Approved 1/28/63; effective 4/28/63). Extends until July 1, 1965, the labor commissioner's authority to suspend the application of any statutory or regulatory provision relating to the employment of women or minors over age 16 in the event of emergency or hardship in an industry or establishment.



## INDUSTRIAL RELATIONS

Ch. 382 (Approved 5/13/63; effective 8/11/63). Amends the anti-injunction law to limit the effective period of a permanent injunction in a labor dispute to one year from date of issuance; permits renewal after a new hearing and findings of fact.

Ch. 797 (Passed over Governor's veto 11/8/63). Extends the law which prohibits an employer from subjecting an employee to a lie detector test as a condition of employment to prohibit also subjecting an applicant for employment to such a test, and to prohibit an employer from directly or indirectly causing an employee or applicant to take the test. Makes the law inapplicable to tests administered by law enforcement agencies in the performance of their official duties.

H. 3359 (Adopted 6/25/63). Directs the Legislative Research Council to study the subject matter of current bill H. 1241, relative to extending the Massachusetts Labor Relations Act to certain nonprofit institutions, and to file its report with the Senate by January 29, 1964.

## OCCUPATIONAL SAFETY AND HEALTH

Ch. 36 (Approved 2/18/63; effective 5/19/63). Extends to every industrial establishment, instead of only factories or mercantile buildings, the requirement to protect, by such safeguards as trapdoors, the openings of hoistways, hatchways, and well holes on every floor.

Ch. 38 (Approved 2/18/63; effective 5/19/63). Amends the law requiring that egress or escape doors in places of employment be unlocked, unbolted, and unfastened during business hours to require also that such doors must be free from obstruction.

Ch. 561 (Approved 7/23/63; effective 90 days after approval), as amended by

Ch. 655 (Approved 8/19/63; effective 90 days after approval). Prohibits the operation of a refrigeration or air conditioning system unless it has been inspected by the Division of Inspection of the Department of Public Safety and a certificate of inspection issued, or unless it is insured by, subject to inspection by, and certificated by a company authorized to insure pressure vessels.

Requires annual inspection of systems which require a certificate from the division, and requires owners or users of such systems to report to the division annually on their location. For systems inspected by insurance companies, requires a report whenever the company ceases to make its inspection.

## Massachusetts

Authorizes the division to prohibit the operation of a system, regardless of whether it is subject to inspection by a company, if, in the opinion of the division's inspector, it is in a dangerous condition or does not comply with the applicable rules and regulations. Directs the Board of Boiler Rules (of the Department of Public Safety) to adopt rules and regulations for the operation and inspection of such systems, in accordance with nationally recognized standards of engineering practice.

Exempts certain systems, including those in railway trains, apartment houses with less than five apartments, private residences, and those used exclusively for agricultural, horticultural, and floricultural purposes.

### PRIVATE EMPLOYMENT AGENCIES

H. Order (Adopted 3/28/63). Directs the Legislative Research Council to investigate and study private employment offices in the State, including their placement methods and fees, and to file its report with the Senate by November 13, 1963.

### UNEMPLOYMENT INSURANCE

Ch. 438 (Approved 5/27/63; effective 9/29/63). Increases the maximum weekly benefit amount from \$40 to \$45.

Ch. 447 (Approved 6/4/63; effective 9/29/63). Increases the minimum qualifying wage requirement from \$650 to \$700.

### WAGES AND HOURS--ALL WORKERS

Ch. 586 (Approved and effective 7/31/63). Raises the minimum rate which a wage board may set for service people who regularly receive gratuities from 75 cents per hour to 80 cents until September 4, 1964 and to 85 cents thereafter. Provides that applicable wage rates in existing wage orders shall automatically advance to the same rates on the same dates.

### WORKMEN'S COMPENSATION

Ch. 460 (Approved 6/4/63; effective 11/1/63). Raises from \$50 to \$53 the basic maximum weekly benefits for all types of disability.

### MISCELLANEOUS

Ch. 489 (Approved and effective 6/25/63). Authorizes the formation of a regional school district by the city of Brockton and eight named towns for the purpose of establishing a vocational high school or schools.

## MICHIGAN

[Regular Session 1/9/63--6/7/63]

[Second Special Session 12/3/63--12/24/63]

### DISCRIMINATION IN EMPLOYMENT

Act 45 (Approved 12/27/63; effective 1/1/64). Provides for the organization and functions of the Civil Rights Commission established by the 1963 Constitution. Directs the commission to investigate alleged discrimination against any person because of religion, race, color, or national origin in the enjoyment of civil rights guaranteed by law and the State Constitution. Abolishes the Fair Employment Practices Commission and transfers all of its functions, including administration of the Fair Employment Practices Act, to the new commission. Makes a complaint alleging an unlawful discriminatory practice subject to the same procedure as a complaint alleging an unfair employment practice.

Grants the commission rulemaking authority and authorizes it, among other duties, to receive, investigate, and pass upon complaints; to hold hearings; and to compel through court authorization the attendance of witnesses and the production of records. Provides for appeals to the court from orders of the commission, and for court enforcement if an appeal is not taken.

Makes provision for a staff director and staff. (See also New Constitution, Miscellaneous.)

### MIGRATORY WORKERS

H. Res. 99 (Adopted 4/26/63). Creates an interim legislative committee of the House to study migratory labor problems, to seek improvement of conditions, to study pertinent State and local statutes and regulations, and to report its findings and recommendations to the 1964 Legislature.

S. Res. 55 (Adopted 4/17/63). Creates an interim legislative committee of the Senate to study the agricultural migrant labor situation and recommend legislative programs or other activities to assure equitable treatment to growers and workers.

### OCCUPATIONAL SAFETY AND HEALTH

Act 89 (Approved and effective 5/8/63). Creates a Construction Safety Commission, to consist of 5 members appointed by the Governor, to promulgate rules and regulations for the inspection and use of equipment. Provides that such rules and regulations must be approved by the Legislature before becoming effective.

## Michigan

Defines "construction industry" as registered construction firms and contractors who are thus classified under and subject to the workmen's compensation law. Requires any such person or firm to register annually with the commission. Requires the commission to establish safety ratings for all registered contractors and to investigate any contractor whose safety record fails to meet minimum standards; authorizes it to investigate alleged violations of its regulations, after the contractor has been notified and given time to correct it. Authorizes the commission to cooperate with other public and private agencies for the promotion of construction safety and to conduct regional construction safety training programs.

Repeals Act 164, 1951, which established a Building Safety Council in the Department of Labor.

### STATE DEPARTMENT OF LABOR

Act 89. See Occupational Safety and Health.

### UNEMPLOYMENT INSURANCE

Act 124 (Approved 5/10/63; effective 9/6/63). Extends to persons over age 45 the special services of the State Employment Service previously provided for persons over age 65.

Act 183 (Approved 5/15/63; effective 9/6/63). Provides that an individual who is discharged or is unemployed because of a disciplinary layoff, suspension, or a discharge which is subsequently reduced to disciplinary layoff or suspension, for participation in a strike or other concerted action adversely affecting work or production and contrary to the applicable collective bargaining agreement or for participation in a wildcat strike or other unauthorized action, is disqualified for benefits for the week of such discharge and for the duration of his unemployment thereafter or if unemployed because of a disciplinary layoff or suspension or a discharge which was reduced to a disciplinary layoff or suspension, for each week in which such disciplinary layoff or suspension is in effect.

Act 188 (Approved 5/15/63; effective 9/6/63). Deducts from an individual's weekly benefit any workmen's compensation (other than death benefits or scheduled benefits for a specific loss) paid for such week.

Act 189 (Approved 5/15/63; effective 9/6/63). Provides that an individual who loses his job by reason of being absent from work as a result of a violation or law for which he has been convicted and sentenced to jail or prison is disqualified for the duration of his unemployment and that all wage credits earned with that employer be cancelled. Excludes from this provision convictions resulting in sentence to county jail under conditions of day parole or convictions for traffic violations resulting in an absence from work of less than 10 consecutive days.



## Michigan

Act 226 (Approved 5/21/63; effective 9/6/63). Increases the basic maximum weekly benefit amount from \$30 to \$33, and the maximum weekly benefit amount for family classes "B" through "F" by amounts from \$3 to \$5.

In the disqualification for refusal of work, changes the concept of suitable work from "customary occupation" to "an occupation in the vicinity of his residence at which the individual earned wages in his base period under conditions of employment and remuneration substantially equivalent to those under which the individual earned wages in such occupation during his base period."

Includes within the labor-dispute disqualification unemployment due to a labor dispute in active progress or to shutdown or startup operations caused by such labor dispute. Extends the application of this provision to any establishment within the United States functionally integrated with the striking establishment or owned by the same employing unit. Establishes criteria to determine whether an individual is "directly interested" in a labor dispute which causes his unemployment, thus making him subject to the disqualification. Equates "directly interested" with a "reasonable expectation" that resolution of the labor dispute will affect his wages, hours or other employment conditions. Specifies categories of situations relating to the practice, custom, contractual obligation, contract negotiation situation, or issue in or purpose of the labor dispute, all as they affect the individual's grade or class of workers and establishes a presumption that these are cases of "reasonable expectation." Specifies categories of evidence to be considered relevant in determining "grade or class of workers."

Increases the taxable wage base from \$3,000 to \$3,600. Makes revisions in the tax structure, including an increase in the maximum rate from 4.5 to 4.6 percent in 1964, 5.1 percent in 1965, 5.6 percent in 1966, 6.1 percent in 1967, and 6.6 percent in 1968. Repeals the provision which limits the possible increase in an employer's tax rate to 1 percent annually.

## WORKMEN'S COMPENSATION

Act 188. See Unemployment Insurance.

## MISCELLANEOUS

New Constitution (Approved by the electorate 4/1/63; effective 1/1/64). The new Constitution contains several provisions that pertain to labor matters. For example, it provides for the establishment of an 8-member bipartisan Civil Rights Commission, to be appointed by the Governor, to investigate discrimination against any person because of religion, race, color, or national origin, and to secure the equal protection of all

## Michigan

civil rights without discrimination. (Michigan has a mandatory Fair Employment Practices Act which declares equal employment opportunity to be a civil right.) Specifically authorizes the legislature to provide safety measures and regulate the use of atomic energy and other new forms of energy. Specifically authorizes the legislature to enact laws providing for the resolution of disputes concerning public employees, except for those in the State classified civil service. Another section, dealing specifically with the State civil service, includes provision for an employee's right of appeal on certain issues, through "established grievance procedure." Among other provisions, increases the term of the Governor and of Senators from 2 to 4 years (first election for 4-year terms to be held November 1966).

(The legislature was called into special session December 3, 1963, to implement the new constitution, with particular reference to the subject of civil rights, among others. See Act 45, Discrimination in Employment.)

## MINNESOTA

[Regular Session 1/8/63--5/23/63]

### PRIVATE EMPLOYMENT AGENCIES

Ch. 706 (Approved 5/14/63; effective 5/15/63). Repeals the provision that formerly required the State auditor to pay, at the end of each fiscal year, 50 percent of the license fees collected from private employment agencies to the city or other political subdivision in which the office of such agency is located.

### TIME OFF FOR VOTING

Ch. 680 (Approved 5/13/63; effective 5/14/63). Makes the time-off-for-voting law applicable only to a statewide general election or to an election to fill a vacancy in Congress rather than to any election.

### UNEMPLOYMENT INSURANCE

Ch. 562 (Approved 5/8/63; effective 5/9/63). Includes in the definition of "employer" any joint venture of one or more employers as otherwise defined and any nonresident employing unit which employs in the State one or more employees for one or more weeks.

## Minnesota

Ch. 588 (Approved 5/10/63; effective 5/11/63). Deletes the provision excluding from the definition of "employment" services performed in certain State parks.

### WAGES AND HOURS--ALL WORKERS

Ch. 241 (Approved 4/15/63; effective 4/16/63). Excludes from coverage of the minimum wage law any minor who is a part-time employee in a school district hot lunch program, while the minor is a full-time student in the school.

Ch. 708 (Approved 5/15/63; effective 5/16/63). Specifically provides that employees in the apparel and garment industries covered by a learners' or apprentices' certificate issued under the Federal Fair Labor Standards Act shall receive the wages set in the certificate.

### WORKMEN'S COMPENSATION

Ch. 497 (Approved 5/6/63; effective 5/7/63). Provides that if a member of the Minnesota game warden service or State crime bureau contracts the disease of myocarditis, coronary sclerosis, or pneumonia or its sequel, it be presumed to be an occupational disease due to the nature of the employment, and contracted within 12 months prior to disability, if the employee was on active duty immediately preceding the date of disablement or death and if he had been given a thorough physical examination at the time of employment which showed no evidence of such disease. (This provision was already in effect for employees of an organized fire or police department of any municipality and members of the highway patrol.)

## MISSOURI

[Regular Session 1/2/63--7/15/63]

### INDUSTRIAL RELATIONS

H. 146 (Approved 7/9/63; effective 10/13/63). Provides for a firemen's arbitration board with advisory power. Directs that such board shall be appointed upon petition request of 51 percent of the employees or by resolution of the governing body having control over the fire department whenever a dispute exists concerning wages, hours, or other employment conditions of members of a paid fire department of a fire district or governmental unit with a population over 20,000, or which is located in a county of the first class. Directs the board to hold hearings and report its findings and recommendations, but specifies that the recommendations are advisory only and not binding upon the parties.

OCCUPATIONAL SAFETY AND HEALTH

S. 321 (Approved 7/29/63; effective 10/13/63). Directs the chairman of the State Commission on Atomic Energy to appoint a person to the Special Advisory Committee of the Southern Interstate Nuclear Board. (Missouri is not one of the 16 named States eligible to join the Southern Interstate Nuclear Compact, which created the Board. See Maryland, Ch. 680, for a description of the Compact.)

S. 322 (Approved 7/29/63; effective 10/13/63). Creates a Committee on Radiation Control, as a subcommittee of the Missouri Atomic Energy Commission, and designates the Division of Health as the agency responsible for the control of radiation hazards. Directs the division, with the guidance and advice of the committee, to develop programs for the evaluation and control of radiation hazards, conduct studies, review specifications for radiation sources, inspect such sources, and perform other specified functions. Requires that radiation sources be shielded, transported, handled, used, and kept so as to prevent unnecessary radiation to users and persons within effective range.

Authorizes the division, with the approval of the committee, and after a public hearing, to formulate and adopt rules for radiation protection, including a registration requirement. Makes it unlawful for any person to produce, store, or use any radiation machine or radioactive material, or to extend, modify, or alter these activities unless he registers in writing with the division of health. Authorizes the division to exempt nonhazardous sources from registration.

OLDER WORKERS

H. Con. Res. 1 (Adopted by 72nd General Assembly). Declares it is necessary for the State to prohibit discrimination in employment because of age. Provides for the appointment of a joint legislative committee to make a study of employment practices in the State as they relate to discrimination against persons over 45 years of age, and to report its findings to the 1965 general assembly.

PRIVATE EMPLOYMENT AGENCIES

H. 728 (Approved 7/18/63; effective 10/13/63). Specifically extends to theatrical booking agents the provisions of the law regulating private employment agencies. Prohibits a theatrical booking agent, in addition to the prohibitions of the private employment agencies law, from referring an applicant to, or obtaining an engagement in, a place where gambling or prostitution is permitted, or where the applicant will be required or encouraged to sell or solicit the sale of intoxicating liquors, or, if an applicant is under 21, where intoxicating liquors are sold. Also prohibits referral of an applicant to perform in an act which would be considered lewd or indecent, in violation of State law or local ordinance.



WAGE PAYMENT AND WAGE COLLECTION

H. 326 (Approved 7/16/63; effective 10/13/63). Amends the provision requiring corporations to pay a discharged employee on the day of discharge or within 7 days of his written request. Makes the provision inapplicable to employees whose compensation is based primarily on commissions and whose duties include collection of accounts, care of a stock of merchandise, and similar activities, where an audit is customary or necessary to determine the net amount due.

WAGES--EQUAL PAY

H. 636 (Approved 7/30/63; effective 10/13/63). Prohibits any employer from paying any female employee age 18 or over at wage rates less than the rates paid to male employees in the same establishment for the same quantity and quality of the same classification of work. Permits a variation of pay rates for male and female employees in the same classification of work when based upon differences in seniority, length of service, ability, skill, difference in duties or services performed, shift or time of day worked, hours of work, restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, or factors other than sex, when exercised in good faith.

Provides for civil action by female receiving less than wage to which she is entitled to recover balance of such wages, together with the costs of suit, notwithstanding any agreement to work for a lesser wage. Places burden of proof upon the person bringing the claim.

Further provides that the employer who violates the act is liable to the female employee affected in the amount of the wages of which she is deprived by reason of the violation; and that the female employee may register with the Industrial Commission a complaint that the wages paid to her are less than the wages to which she is entitled under the act.

Specifies that any action arising under the act shall be instituted in the circuit court within 6 months after the alleged violation; makes employer liable for any pay due for not more than 30 days prior to his receipt of written notice of the claim.

Directs the commission to take proceedings necessary to mediate disputes concerning payment of any unpaid sums alleged to be due.

WORKMEN'S COMPENSATION

H. 175 (Approved 7/19/63; effective 10/13/63). Removes the requirement that to be compensable, death from an occupational disease must result within 300 weeks from the injury; however, retains the 300-week limitation in case of death resulting from accidents.

# MONTANA

[Regular Session 1/7/63--3/12/63]

## APPRENTICESHIP

Ch. 160 (Approved 3/5/63; effective 7/1/63). Transfers authority to appoint members of the Apprenticeship Council from the labor commissioner to the Governor. Makes the council a part of the labor department, designates the labor commissioner as a nonvoting member of the council, and authorizes him to appoint a director of apprenticeship, subject to the council's approval. Changes the qualifications of the employer and employee members of the council, and makes other organizational changes.

## STATE DEPARTMENT OF LABOR

Ch. 160. See Apprenticeship.

## UNEMPLOYMENT INSURANCE

Ch. 269 (Approved and effective 3/15/63). Provides that a claimant with high-quarter wages of \$1,282.50 must have wages of \$100 in a quarter other than his high quarter, effective for benefit years beginning April 7, 1963.

Increases the minimum disqualification for the three major causes from 1 to 2 weeks.

## WORKMEN'S COMPENSATION

Ch. 95 (Approved 2/28/63; effective 7/1/63). Makes every employee, rather than those in specified hazardous occupations only, subject to the provisions of the plan of compensation adopted by his employer. Eliminates the right of employees to elect not to be bound by the compensation provisions of the act; however, specifically permits officers of private corporations to elect not to be bound as employees.

Ch. 180 (Approved 3/7/63; effective 7/1/63). Directs the County Department of Public Welfare to provide coverage under the Workmen's Compensation Act for recipients of general relief who are performing work for the county, and authorizes said department to enter into agreements with the Industrial Accident Board for this purpose.

Ch. 221 (Approved 3/9/63; effective 7/1/63). Makes participation in the rehabilitation program compulsory for all employers under the act (formerly compulsory for employers insured in the State Fund, and voluntary for privately insured and self-insured employers).

# NEBRASKA

[Regular Session 1/1/63--7/18/63]

## CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 290 (Approved 4/9/63; effective 10/19/63). Adds employment in restaurants or drive-ins (including messengers or drivers therefor) to the industries covered by the provisions in the child labor law which set a 14-year minimum age for employment outside school hours, require employment certificates for 14- to 16-year-olds, set a maximum 8-hour day and 48-hour week for children under 16, and prohibit nightwork from 8 p.m. to 6 a.m. for children under 16.

## DISCRIMINATION IN EMPLOYMENT

L. Res. 64 (Adopted 7/2/63). Directs the Legislative Council to appoint a committee to study discriminatory hiring practices in private and public employment in the State, to maintain liaison with the State Human Relations Commission, and to make its report, with recommendations, to the next session of the legislature.

## INDUSTRIAL RELATIONS

Ch. 20 (Approved 4/4/63; effective 10/19/63). Makes it unlawful for any alien to be elected to or to hold any office in a labor or educational organization. Makes willful violation by any person, officer, or member of any labor organization a misdemeanor, punishable by a fine of up to \$500, imprisonment up to 90 days, or both.

Ch. 150 (Approved 5/25/63; effective 10/19/63). Makes several changes in the provisions which regulate picketing. Broadens the definition of mass picketing (which is prohibited) to include picketing which obstructs public roads, streets, or highways, in addition to the obstruction of premises as before. Requires a legal picket to wear a sign visibly identifying the organization he represents. Amends the provision which prohibits specified acts of interference with a person's right to pursue lawful employment to specify also employment "in any lawful occupation, self-employment, or business."

Ch. 424 (Approved 4/25/63; effective 10/19/63). Makes unlawful any agreement or arrangement which permits or requires a carrier or shipper of property to pay a charge, allowance, assessment, or compensation, other than a charge for service actually performed, to any person, organization, or other entity, if such assessment is contingent upon the use of another mode of transportation for the movement of a motor vehicle or demountable truck body or its contents.

OCCUPATIONAL SAFETY AND HEALTH

Ch. 406 (Approved 5/2/63; effective 10/19/63). A "Radiation Control Act." Designates the State Department of Health as the regulatory agency for the control of ionizing radiation, and the Director of Health as the Coordinator of Atomic Development Activities; creates a Radiation Advisory Council in the department. Authorizes the Governor to enter into an agreement with the Federal Government for transfer to the State of certain responsibilities with respect to sources of ionizing radiation.

Directs the department to provide by regulation for the control of sources of ionizing radiation, including a requirement for registration of sources, and a requirement that each person possessing or using a source of radiation keep various records, among them, records showing the radiation exposure of all individuals for whom personnel monitoring is required. Requires that such records be furnished the employee annually upon request, at any time he has received excessive exposure, and upon termination of employment. Authorizes the department to inspect radiation sources and to enter into agreements with the Federal Government, other States, or interstate agencies for cooperative performance of inspections, licensing, or other control functions.

Directs the coordinator, among other duties, to review proposed radiation regulations of all State agencies, and to consult with the council whenever the proposal is inconsistent with the regulations of another State agency in an effort to resolve the inconsistency. If it is not resolved, provides that the Governor may void the proposal or direct that the existing regulation be amended or repealed.

Directs the council, composed of 9 members appointed by the Governor from the fields of radiology, industry, agriculture, labor, and others, to evaluate State policies and programs on ionizing radiation; make recommendations to the coordinator and the department; and furnish technical advice.

Repeals a 1959 law which authorized the designation of an advisor to coordinate the development of the State's regulatory activities on radiation, and authorized the Governor to enter into an agreement with the Federal Government for State regulation, conditioned on a legislative grant of authority to the State departments if necessary.



## OLDER WORKERS

Ch. 281 (Approved 7/5/63; effective 10/19/63). An "Act Prohibiting Unjust Discrimination in Employment Because of Age." Declares that hiring bias against workers over 40 years of age deprives the State of its most important resource of experienced employees.

Makes it an unlawful employment practice for an employer (defined as a person employing one or more individuals) to refuse to hire, to discharge, or otherwise discriminate with respect to terms, conditions, or privileges of employment because of an individual's age when the reasonable demands of the position do not require such age distinction; or to utilize in hiring or recruitment any employment agency, placement service, training school or center, labor organization, or other source which so discriminates.

Makes it unlawful for a labor organization to discriminate or to limit, segregate, or classify its membership in any way which would tend to deny or limit employment opportunities, or adversely affect an individual's employment status or working conditions, because of age.

Makes it unlawful for an employer or labor organization to discharge, expel, or discriminate against a person because he opposed an unlawful practice or assisted in a proceeding under the act.

Provides that the act shall not be construed to prevent the termination of the employment of a person who is physically unable to perform his duties, or to affect a retirement policy or system that is not a subterfuge to evade the act, or to preclude the varying of insurance coverage according to age.

## PHYSICAL EXAMINATIONS

Ch. 280 (Approved 4/24/63; effective 10/19/63). Prohibits an employer from requiring an applicant for employment to pay the cost of a medical examination as a condition of employment. Directs the Commissioner of Labor to enforce this prohibition, and makes violation a misdemeanor. Exempts the State and its subdivisions when a physical examination is required by law.

## UNEMPLOYMENT INSURANCE

Ch. 291 (Approved 5/22/63; effective 10/19/63). Increases the maximum weekly benefit amount from \$34 to \$38. Changes the qualifying requirement from \$400 in 2 quarters with at least \$100 in each of such quarters, to \$600 with at least \$200 in each of 2 quarters.

Reduces the potential duration of benefits for individuals disqualified for voluntarily leaving work or for discharge for misconduct by the number of weeks of the disqualification.

Ch. 292 (Approved 6/10/63; effective 10/19/63). Provides that, in addition to being exempt from disqualification, an individual enrolled in an approved vocational training or retraining course shall be considered available for work, provided he is otherwise eligible.

Ch. 293 (Approved 6/22/63; effective 10/19/63). Allows political subdivisions and their instrumentalities to elect coverage for their employees and to finance the payment of benefits by reimbursement.

#### WORKMEN'S COMPENSATION

Ch. 284 (Approved 4/9/63; effective 10/19/63). Removes the provisions that, to be compensable, disability from an occupational disease must occur within 2 years from the termination of the employment, and death from an accident or disease must occur within 325 weeks after the accident.

Ch. 285 (Approved 6/22/63; effective 10/19/63). For permanent and temporary total disability raises the maximum weekly benefits from \$37 to \$40 for the first 300 weeks and from \$27.50 to \$32 thereafter, and the minimum weekly benefits from \$20 to \$26 for the first 300 weeks and from \$17 to \$22 thereafter.

Raises from \$37 to \$40 the maximum weekly benefits for permanent partial disability and death, and the minimum weekly benefits from \$20 to \$26 for schedule injuries and death.

Raises the maximum burial allowance from \$350 to \$400.

### NEVADA

[Regular Session 1/21/63--4/24/63]

#### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 287. See Workmen's Compensation.

#### HOURS OF WORK

Ch. 163. See Occupational Safety and Health.

OCCUPATIONAL SAFETY AND HEALTH

Ch. 163 (Approved 4/1/63; effective 7/1/63). Authorizes the Public Service Commission to extend to private carriers of explosives and other dangerous articles the safety rules and regulations applicable to for-hire carriers of such articles.

Ch. 315 (Approved 4/10/63; effective 7/1/63). Designates the State Board of Health as the State radiation control agency and empowers it to inspect radiation sources. Directs the board to provide by regulation for the licensing of persons using, manufacturing, producing, or transferring radioactive materials, or devices or equipment utilizing such materials, and authorizes it to require registration and inspection of radiation sources that do not require specific licensing.

Directs the board, among other duties, to evaluate radiation hazards and to require that certain records be kept, including records showing radiation exposure of individuals for whom the board requires personnel monitoring. Also directs the board to adopt regulations compatible with those of the U. S. Atomic Energy Commission pertaining to reports of exposure, to require that excessive exposure be reported to the individual exposed and to the board, and to provide for periodic and terminal reports to the individual.

Authorizes the Governor to enter into agreements with the Federal Government for transfer to the State of certain responsibilities for control of sources of ionizing radiation. Authorizes the board to enter into agreements with the Federal Government, other States, or interstate agencies for cooperative inspections or performance of other radiation control functions; and to institute training programs to qualify personnel and to make them available for participation in the programs of such other agencies.

WAGES AND HOURS--WOMEN AND GIRLS

Ch. 430 (Approved 4/26/63; effective 7/1/63). Raises the statutory minimum wage rates. Provides that the hourly rate for women 18 years of age and over shall be  $\$1.12\frac{1}{2}$  rather than \$1 until September 3, 1964, and sets equivalent daily and weekly rates at \$9 rather than \$8 for an 8-hour day and at \$54 rather than \$48 for a 48-hour week. Sets the rates after September 3, 1964 at \$1.15 an hour, \$9.20 a day, and \$55.20 a week. Raises the hourly rate for girls under 18 from  $87\frac{1}{2}$  cents to \$1, and the equivalent daily and weekly rates from \$7 and \$42 to \$8 and \$48.

Raises rates for the probationary period (not to exceed 3 consecutive months) for women over 18, from \$6.50 to \$8 a day and from \$39 to \$48 a week; for girls under 18, from \$6 to \$7 a day and from \$36 to \$42 a week.

Specifies that nothing contained in this amendatory act shall affect contracts in effect on July 1, 1963 relating to the compensation of females and that in this regard the provisions of the act are to be "applied prospectively."

#### WORKMEN'S COMPENSATION

Ch. 82 (Approved and effective 3/19/63). Provides that claimants or their dependents who have received the maximum benefits payable under the Occupational Diseases Act for disability or death from silicosis shall be entitled to supplemental compensation not to exceed \$3,000. (This act expires July 1, 1965.)

Ch. 91 (Approved and effective 3/19/63). Extends until July 1, 1965 the special program administered by the Department of Health for persons suffering from silicosis, by appropriating funds for this purpose.

Ch. 287 (Approved and effective 4/9/63). Provides that a person engaged in selling or delivering newspapers, magazines, or periodicals directly to the public under an agreement with the publisher or distributor, acting under his control and receiving wages based on the person's sales of such publication, shall, for purposes of workmen's compensation, be deemed to be an employee of such publisher or distributor receiving a wage of \$50 per month.

Ch. 381 (Approved and effective 4/22/63). Raises from \$275 to \$300 the maximum limit on monthly wages which may be considered in determining monthly benefits payable for temporary total disability, thus increasing from \$41.25 to \$45.00 the maximum weekly benefit for a workman without dependents, and from \$57.12 to \$62.31 the maximum weekly benefit for a workman with dependents.

Ch. 388 (Approved 4/19/63; effective 7/1/63). Deletes from the Occupational Diseases Law the provision that a claimant for disability from radiation disease may not be an employee of the Atomic Energy Commission or any of its contractors or subcontractors at the time he contracted such radiation disease.

Ch. 428 (Approved 4/26/63; effective 7/1/63). Raises from \$225 to \$240 the maximum amount of monthly wages which shall be considered in determining death benefits, thus raising from \$25.96 to \$27.69 the maximum weekly benefit for a widow, and from \$7.79 to \$8.31 additional for each dependent child.



## NEW HAMPSHIRE

[Regular Session 1/2/63--7/2/63]

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 237. See Hours of Work.

Ch. 296 (Approved and effective 7/3/63). Permits the holder of a wholesaler's liquor permit to employ minors of 18 years of age or over, provided the minor is not employed as a solicitor. (The liquor and beverage law, which prohibits the employment of minors in serving or handling liquor, formerly permitted only the holder of an off-sale liquor license to employ minors of 18 years under certain conditions.)

### EMERGENCY RELAXATIONS

Ch. 237. See Hours of Work.

### HOURS OF WORK

Ch. 237 (Approved 7/2/63; effective 8/31/63). Gives the labor commissioner discretionary authority to grant to manufacturing establishments working on government orders for national defense a special license in excess of the 8-weeks-in-6-months time limit otherwise set on licenses permitting minors under age 18 and females to work  $10\frac{1}{4}$  hours a day and 54 hours a week.

Provides that the labor commissioner may exempt employers from the weekly day of rest requirement where mutual employer-employee agreements have been reached. (See also Wage Payment and Wage Collection for other provisions of Ch. 237.)

### INDUSTRIAL RELATIONS

Ch. 216 (Approved 7/2/63; effective 7/1/63). Amends the Labor Conciliation and Arbitration Act. Authorizes the chairman of the Board of Conciliation and Arbitration, upon receipt of written agreement of the representatives of the employer and employees involved in a dispute, to act as single arbiter in cases where a conflict of interests prevents either the employer or labor representative from serving on the case. Raises compensation of arbitrators from \$16 to \$50 a day for each day actually engaged in arbitration.

OCCUPATIONAL SAFETY AND HEALTH

Ch. 220 (Approved 7/2/63; effective 7/1/63). Extends coverage of the chapter relating to safety and health of employees to include mines, quarries, and building and construction occupations (as well as factories, mills, workshops, or other manufacturing, commercial, and mercantile establishments as before), and to include establishments regularly employing one or more persons, instead of three or more.

Sets the required inspection of places of employment at intervals to be determined by the labor commissioner instead of at least once each year. Broadens the responsibility of the labor commissioner to set health and safety standards of general application by deleting the references to specific types of standards; specifically requires public hearings before their adoption.

Ch. 229 (Approved and effective 7/2/63, except that the provisions for control of byproduct, source, and special nuclear materials are to be effective when a Federal-State agreement becomes effective). Enacts a radiation control law, repealing the 1961 law which authorized the State Board of Health to regulate radiation hazards.

Designates the Department of Health and Welfare, Division of Public Health Services, as the radiation control agency. Authorizes it to issue or repeal codes and regulations, after public hearing, to control radiation sources, for the protection of occupational and public health and safety. Directs it to provide by regulation for the licensing of byproduct, source, and special nuclear materials, or devices or equipment utilizing such materials. Authorizes it to require registration or licensing of other sources of ionizing radiation.

Provides that the director of the agency shall require records to be kept by each person possessing or using a source of radiation, including records showing radiation exposure of individuals for whom personnel monitoring is required. Requires such records to be furnished the employee at any time he has received excessive exposure and upon termination of employment.

Authorizes the Governor to enter into agreements with the Federal Government for transfer to the State of certain responsibilities with respect to radiation sources.

Specifically grants the director the right of entry and inspection to determine compliance. Sets penalties for violation.

Provides that this law shall not be construed as repealing any existing State laws relating to radiation sources, and permits local ordinances or regulations if consistent with this act or any code or regulations issued under it.

STATE DEPARTMENT OF LABOR

Ch. 220. See Occupational Safety and Health.

Ch. 237. See Hours of Work and Wage Payment and Wage Collection.

UNEMPLOYMENT INSURANCE

Ch. 194 (Approved 6/26/63; effective 8/25/63). For benefit years commencing April 1, 1964 increases the maximum weekly benefit amount from \$40 to \$45, and the minimum weekly benefit amount from \$12 to \$13.

Disqualifies an individual for any week in or subsequent to which he becomes unemployed due to retirement or superannuation "except in accordance with regulations of the Commissioner."

WAGE PAYMENT AND WAGE COLLECTION

Ch. 237 (Approved 7/2/63; effective 8/31/63). Extends the wage payment and wage collection law to cover all employers, except employers of domestic labor, or farm labor where less than 5 are employed, rather than employers in specified industries. Also broadens employee coverage to include employees paid by the hour, piece, or commission, in addition to those paid by the day or week as before. Makes a contractor liable for the wage payments of his subcontractor.

Authorizes the labor commissioner to take an assignment of a wage claim for unpaid wages (without limitation as to amount) and for liquidated damages, and to bring suit for collection. Formerly, he was authorized to collect wage claims up to \$200 through power of attorney. Makes other grants of authority to the commissioner for administering the act, including rulemaking, inspecting work places, and compelling the production of payrolls. Retains the weekly payday requirement but authorizes the commissioner to permit less frequent paydays, up to once a month, by manufacturing establishments working on national defense orders.

Specifies the type of permissible wage deductions and requires the employer to give the employee a statement on deductions for each pay period. Also requires the employer to keep certain wage records and to make available to his employees, in writing or through posted notices, his practices regarding vacation pay, sick leave, and other fringe benefits. Adds a general provision making the employer additionally liable for liquidated damages in a specified amount for willful nonpayment of wages, replacing the former limited provision for damages payable only to discharged employees.

## New Hampshire

Provides for payment to survivors of a deceased employee's wages, and makes other strengthening changes in the law. (See also Hours of Work for other provisions of Ch. 237.)

### WAGES--PREVAILING WAGES

Ch. 286 (Approved 7/3/63; effective 60 days after passage). Provides that payments to health and welfare plans and pension plans under collective bargaining agreements or understandings between organized labor and employers shall be included in the basis for establishing the minimum wage payable to employees on public works under the prevailing wage law. Requires any employer who does not make payments to a health and welfare plan and a pension plan, where such payments have been included in establishing the prevailing wage rate, to pay such amounts directly to each covered employee.

Makes the law inapplicable to regular employees of the county or town when employed on public works for which special appropriations are provided (formerly covered), but retains its application to regular employees of the State when so employed.

### WAGES AND HOURS--ALL WORKERS

Ch. 203 (Approved 7/2/63; effective 60 days after passage). Raises the general statutory minimum wage from \$1 to \$1.15 an hour effective January 1, 1964 and to \$1.25 an hour effective January 1, 1965. Also raises rates, effective January 1, 1964 from 80 cents to 95 cents an hour; for laundry employees, nurses' aides, and practical nurses in certain nonprofit institutions; from 75 cents to 90 cents for theater ushers and pinboys in bowling alleys; and from 80 cents to 95 cents per hour for persons with less than 6 months' experience and persons 18 years of age or under.

Directs the labor commissioner to appoint a wage board to study wages of employees in restaurants, hotels, inns, and cabins. (These employees are exempted from the statutory minimum.)

### WORKMEN'S COMPENSATION

Ch. 328 (Approved 7/3/63; coverage provisions effective 1/1/64; others effective 7/1/63). Raises from \$42 to \$45 the maximum weekly benefits for death and all types of disability, except permanent partial schedule injuries which are increased to \$43.50. Raises from \$14,322 to \$15,000 the total maximum payable for death. Removes the maximum period of 341 weeks on payments for total disability and provides that when disability continues after 6 years, further payments shall be made on order of the labor commissioner. Permits an award of not in excess of 20 weeks compensation to be paid in a lump sum. Raises from \$500 to \$800 the maximum burial benefits for an employee who leaves no dependents.



## New Hampshire

Extends from 90 days to 6 months the initial period during which an injured worker must receive necessary medical benefits, retaining the provision authorizing an extension of such benefits from time to time at the discretion of the labor commissioner. Removes the limitation on the healing period in connection with schedule injuries. Gives the labor commissioner exclusive jurisdiction in resolving disputes concerning medical and hospital service charges; authorizes him to consult with medical panels established for the purpose of determining the reasonable value of such services to an injured employee.

Specifies the county extension service council as one of the municipal units which may elect coverage under the workmen's compensation act for its employees.

## NEW JERSEY

[Regular Session 1/8/63--1/14/64]

### DISCRIMINATION IN EMPLOYMENT

Ch. 40 (Approved and effective 5/21/63). Transfers administration of the "Law Against Discrimination" (which applies to employment discrimination and other forms of discrimination) from the Department of Education to the Department of Law and Public Safety, by transferring the Division on Civil Rights to the latter department; and transfers to the Attorney General the duties and powers formerly vested in the State Commissioner of Education under this law. Provides for the appointment by the Attorney General of a director and deputy director of the Division on Civil Rights, replacing the Assistant Commissioner of Education.

Requires that a new section in the division be set up to prepare and implement educational and human relations programs to eliminate prejudice, and provides for the division's organizational expansion. Retains the division's rulemaking authority but no longer makes the adoption of such rules subject to the approval of the State Commission on Civil Rights.

Makes other administrative and procedural changes.

Ch. 213, Laws 1962 (Approved and effective 1/8/63). Broadens the section of the civil rights law which requires the inclusion of an antidiscrimination provision in State, county, and municipal contracts for the construction, alteration, or repair of public buildings or works. Extends its application to include contracts for political subdivisions and agencies or authorities created by governmental units, and to the procurement, manufacture, assembling, or furnishing of materials, equipment, supplies, or services under a contract; also clarifies its application to subcontractors. Extends the employee coverage to cover any person, instead of laborers, workmen, and mechanics who are citizens of the State.

## New Jersey

Increases the penalty amount for violation which may be deducted from the amount due the contractor, but newly requires notice to the contractor of a prior violation before the contract may be cancelled and the money due forfeited.

### INDUSTRIAL RELATIONS

Ch. 246, Laws 1962 (Approved and effective 2/28/63). Makes unlawful any agreement which, as a condition to the transportation of a loaded or empty motor vehicle, trailer, or container requires the carrier or shipper to pay a levy or assessment to any person or organization, if such charge is dependent or contingent upon the use of another mode of transportation.

### MIGRATORY WORKERS

Ch. 230, Laws 1962 (Approved and effective 1/31/63). Adds one additional representative of farmers and one of organized labor to the Migratory Labor Board, thus raising the total appointive board membership from 5 to 7. Specifies that the three farmer-representatives shall be appointed from among persons actively engaged in farming who are users of migratory labor.

### TRAINING AND RETRAINING

S. Res. 6 (Adopted 4/29/63). Creates a special Senate Committee to study the advisability of providing vocational training for youth to increase their employment opportunities, and to determine the feasibility of using the State college and public school facilities for such training. Directs the committee to make its report to the Senate, with legislative recommendations.

### UNEMPLOYMENT INSURANCE

Ch. 66 (Approved and effective 5/28/63). Exempts from coverage services performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, if the compensation to such agents for such service is wholly on a commission basis.

### WAGES--PREVAILING WAGES

Ch. 150 (Approved 9/3/63; effective 1/1/64). The "New Jersey Prevailing Wage Act." Requires every public works contract in excess of \$2,000, except those for municipalities having a population of less than 45,000, to include the prevailing wage rates in the locality for each needed craft or trade, as determined by the Commissioner of Labor and Industry, and a stipulation for their payment to the workmen. Defines "workman" to include those employed

by a subcontractor, and to include also apprentices or helpers. Defines "prevailing wage" to mean the rate paid in the locality under collective bargaining agreements by employers employing a majority of workmen of that craft or trade subject to the agreements. Requires the commissioner to determine prevailing rates and to include as an integral part of the rate employer contributions for employee benefits as set under existing collective bargaining agreements. (Already in the labor law are provisions which require the payment of prevailing rates to public works laborers and which authorize the labor department to settle disputes as to what the rates are.)

Authorizes the commissioner, among other things, to issue and enforce regulations necessary to administer and enforce the act, to investigate wages paid on public works, to enter and inspect such places of employment, to require specified records of employers, and to take assignments of wage claims on behalf of underpaid workers. Requires contractors and subcontractors to maintain and preserve wage records, and to post the prevailing rates at the job or wage payment site. Contains other provisions pertinent to the administration and enforcement of the act, including penalties for violation.

Exempts material suppliers or their employees who do not perform services at the public work job site, and exempts work performed under a rehabilitation program, as defined, by inmates of State institutions.

## NEW MEXICO

[Regular Session 1/8/63--3/9/63]

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 175 (Approved 3/18/63; effective 6/7/63). Transfers administration of the employment certificate provision of the child labor law from the State Bureau of Child Welfare (Department of Public Welfare) to the Labor and Industrial Commission. Also provides for the transfer of all records pertaining to the administration of the child labor law. Continues the provision for a child labor inspector, but provides that he shall be appointed by and subject to the labor commissioner rather than the director of the Bureau of Child Welfare.

Drops the provision that permitted county school superintendents to issue employment certificates in towns of less than 2,000 inhabitants; continues provision for their issuance by a city school superintendent or school principal.

INDUSTRIAL RELATIONS

Ch. 225. See Miscellaneous.

OLDER WORKERS

H. Mem. 30 (Adopted 3/9/63). Urges employers in the State to reevaluate their employment practices and avoid discriminating against prospective employees who are from 40 to 65 years of age.

STATE DEPARTMENT OF LABOR

Ch. 175. See Child Labor and School Attendance.

Ch. 304. See Wages--Prevailing Wages.

UNEMPLOYMENT INSURANCE

Ch. 250 (Approved 3/21/63; effective 6/7/63). Makes revisions in the tax structure, including an increase in the maximum tax rate from 2.7 percent to 3.6 percent.

WAGES--PREVAILING WAGES

Ch. 304 (Approved 3/25/63; effective 6/7/63). Entitles the prevailing wage law "The Public Works Minimum Wage Act," and makes several amendments. Adds demolition contracts to construction, alteration, and repair contracts already covered.

Requires the labor commissioner to base his prevailing wage determinations on corresponding rates in the State or locality instead of in the same city or other civil subdivision. Also requires him to conduct a continuing program for compiling wage rate information and to encourage voluntary submission of wage data by contractors, contractors associations, labor organizations, interested persons, and public officers; authorizes him to conduct field surveys if the data submitted are insufficient.

Gives the labor commissioner other additional responsibility. For example, makes the commissioner (rather than the contracting agency) responsible for making a finding of underpayment; requires him (instead of the State Treasurer) to certify to the contracting agency the names of such firms and the amount of arrears, and to distribute a list of violators to all State departments. Newly limits such finding and list to instances of willful violation, and requires advance notice to the violator before his name is listed.



## New Mexico

Provides that if the accrued payments withheld from a contractor because of underpayment are insufficient to pay the wages due, the commissioner shall refer such matters to the county district attorney to bring suit for the wages and for liquidated damages of \$10 for each employee for each day of willful violation. Previously, only the employee could sue for such wages, and there was no provision for liquidated damages.

Provides for appeal from any finding or action of the commissioner to the State Labor and Industrial Commission, sitting as an appeals board, and provides for further appeal to the courts. Directs the commission to adopt rules and regulations for appeals cases.

### WAGES AND HOURS--ALL WORKERS

Ch. 227 (Approved 3/21/63; effective 6/7/63). Raises the basic statutory minimum wage from 75 cents to 80 cents an hour and the minimum wage for "service employees" from 65 cents to 70 cents an hour.

### WORKMEN'S COMPENSATION

Ch. 269 (Approved 3/22/63; effective 6/7/63). Revises the definitions of partial and total disability, newly describing the disability in terms of the workman's loss of ability to do the work he was doing or other work for which he is fitted by age, physical and mental capacity, training, and experience, rather than on loss of earning ability.

In case of partial disability, provides that benefits shall be a percentage determined by the court, rather than a fixed ratio based on the reduced average weekly wage. Raises from \$38 to \$40 per week the maximum compensation for permanent partial injuries and for death.

Provides that death benefits may be claimed by dependents if the workman died from accidental injury within 2 years, rather than 1 year, after the injury.

Adds dental and optometry costs to medical expenses allowed, and raises from \$1,500 to \$3,000 the maximum medical benefits. As before, provides that medical expenses above the maximum amount may be recovered by the workman from the employer by court order.

Removes the limitation of \$250 on the operating fee which may be recovered in case of hernia.

Raises from \$350 to \$500 the maximum benefits for funeral expenses.

Raises from \$19,000 to \$20,000 the total maximum compensation for disability or death.

MISCELLANEOUS

Ch. 225 (Approved 3/21/63; effective 6/7/63). Requires persons who practice polygraphy (operation of "lie detector" instruments) to obtain a license from the newly created State board of examiners in polygraphy. Sets annual fees and qualifications for obtaining a license, including the passing of an examination. Authorizes the board to refuse to issue or revoke a license on specified grounds, including that of unprofessional conduct, such as misrepresentation, charging exorbitant fees, fee splitting, and spurious advertising.

NEW YORK

[Regular Session 1/9/63--4/6/63]

CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 550. See Migratory Workers.

Ch. 783 (Approved 4/26/63; effective 10/1/63). Reorganizes and clarifies titles 2 and 3 of article 5 of the labor law, which deal with maximum hours and nightwork for minors and women; also makes certain changes in substance by eliminating differences between related provisions and by making unifying revisions in the exemptions. For example, makes the hours and nightwork provisions for minors under 16 uniformly applicable to any trade, business, or service, with certain exceptions; formerly, some of these provisions applied only to several specified industries. For minors under 16, uniformly prohibits nightwork after 6 p.m., instead of after 5 p.m. in factories and after 6 p.m. in other establishments. For girls between 16 and 21, uniformly prohibits nightwork between 10 p.m. and 6 a.m. in covered establishments; formerly, the prohibition started at 9 p.m. in factories and 10 p.m. in other establishments, and ended at 6 a.m. in certain establishments and 7 a.m. in others. For women over 21, prohibits work after 12 midnight in covered establishments, instead of after 10 p.m. with certain exceptions.

Specifically exempts babysitting from the hours and nightwork provisions for minors under 16 and from the hours provision for in-school minors of 16. (The law already exempts babysitting from the employment certificate requirement, but not from the minimum age provisions.)

## DISCRIMINATION IN EMPLOYMENT

Ch. 480 (Approved 4/22/63; effective 9/1/63). Specifically prohibits retaliation against any person who has opposed unlawful discriminatory practices or has filed a complaint, testified, or assisted in any proceeding under the law against discrimination (which prohibits discrimination in such areas as public accommodation, housing, and education, as well as in employment). (As for employment discrimination, the law already prohibits employers, labor organizations, or employment agencies from discharging, expelling, or otherwise discriminating against any person for such actions.)

## HOURS OF WORK

Ch. 219 (Approved and effective 4/1/63). Exempts from the hours law applicable to truck or bus drivers the operation of Federal military vehicles by members or federally paid employees of the Army or Air National Guard.

Ch. 783. See Child Labor and School Attendance.

## INDUSTRIAL RELATIONS

Ch. 515 (Approved 4/24/63; effective 7/1/63). Extends collective bargaining rights to employees of nonprofit hospitals or residential care centers located in New York City by specifically extending coverage of the State labor relations act to employees of such institutions located in a city having a population of one million or more.

Prohibits strikes, slowdowns, or the withholding of goods or services by employees or other persons, and prohibits lockouts. Permits publicity, other than picketing, for the purpose of advising the public that a grievance or dispute exists so long as the publicity does not induce anyone to withhold goods or services.

Provides for the settlement of differences through mediation, fact-finding, and binding arbitration in the following manner. Specifies that every collective bargaining contract for such employees which does not provide for final and binding determination of "grievances" and "disputes," as defined, shall be deemed to include provisions for the submission of grievances to arbitration, upon the request of either or both parties, under rules established by the State Board of Mediation; as well as provisions for the appointment of a fact-finding commission upon the request of both parties to a dispute, and the submission of the dispute to arbitration. Where there is no contract in effect, authorizes the State Board of Mediation and the Industrial Commissioner to exercise the powers vested in them by this law for the settlement of differences. Permits either party to apply to the courts for an order to confirm, modify, correct, or vacate an arbitration award.

Specifically gives the court jurisdiction to enjoin any violation of the law by a court order.

Ch. 702 (Approved and effective 4/23/63). Amends the law (known as the Condon-Wadlin Law) which prohibits strikes by public employees and which provides that a striking public employee thereby terminates his employment. As before, permits the reemployment of such an employee but modifies the conditions under which he may be reemployed--reduces from 3 years to 6 months the period during which his salary may not be increased and reduces the probation period without tenure rights from 5 years to 1 year. Adds a provision requiring that, within the first 30 days after reemployment, a deduction shall be made of twice the employee's compensation for each day he was on strike; also authorizes other sanctions, including a reprimand, suspension without pay for up to 2 months, demotion, or dismissal. Makes the imposition of such additional sanctions subject to court review.

Requires the public officer having power to remove the employee to certify to the fiscal officer that the employee is in violation of this law, and prohibits the fiscal officer from disbursing any compensation to the employee unless the required double deduction has been made. Provides that failure to make such certification or deduction shall be reviewable by any taxpayer in a court proceeding under the civil practice act, and authorizes a taxpayer to institute an action to enjoin violation of the act.

Specifies that the present amendment shall be in effect until July 1, 1965.

#### MIGRATORY WORKERS

Ch. 550 (Approved and effective 5/23/63). Amends the Migrant Registration Law. Permits a grower to use the services of a registered farm labor contractor for not more than five days without himself having registered with the labor department (as is otherwise required for growers), provided he countersigns the contractor's application and immediately transmits it to the labor commissioner as before.

Permits a farm labor contractor to keep piecework records only for pieceworkers (instead of piecework and hours records), except for children 12-14 years of age, for whom hours records are still required regardless of whether they are employed on an hourly or piecework basis.

Ch. 973 (Approved 4/30/63; effective 10/1/63). Amends the vehicle and traffic law to extend the provisions relating to school buses having a seating capacity of more than seven passengers to apply also to buses of this capacity used in transporting children and instructors to and from child care centers maintained for children of migrant farm and food products laborers.



A. Res. 111 (Adopted 4/4/63). Continues until March 31, 1964 the Joint Legislative Committee on Migrant Labor, created in 1952. Appropriates \$25,000 for committee expenses.

#### OCCUPATIONAL SAFETY AND HEALTH

Ch. 382 (Approved 4/16/63; effective 1/1/64). Extends to low pressure boilers the safety standards, including an inspection requirement, formerly applicable only to high pressure boilers by making these standards applicable to all boilers, as newly defined. Adds certain exemptions, including an exemption for a boiler located on a farm and used solely for agricultural purposes.

Ch. 603 (Approved 4/23/63; effective 10/1/63). Authorizes the Board of Standards and Appeals to issue rules for the safety of employees and the public in the use and operation of ski tows and other passenger tramways.

Provides for the establishment in the labor department of a Passenger Tramway Advisory Council, consisting of 10 members appointed by the Governor, and representing designated interests. Directs the council to advise the Industrial Commissioner on matters relating to ski tows and other passenger tramways, and authorizes it to make recommendations to the commissioner.

#### PHYSICAL EXAMINATIONS

Ch. 858 (Approved and effective 4/26/63). Deletes the provision which formerly prohibited an employer from requiring a job applicant to pay the cost of furnishing any medical records required by the employer as a condition of original employment. Continues to prohibit an employer from requiring the applicant to pay the cost of a medical examination, and continues to make special provision for arrangements made under a collective bargaining agreement.

#### PRIVATE EMPLOYMENT AGENCIES

Ch. 479 (Approved 4/22/63; effective 10/1/63). Transfers to the Industrial Commissioner the administration and enforcement of the Employment Agency Law for all areas except New York City; formerly, local officials in the city, town, or village where the agency was located had the authority to enforce this law. Retains administration and enforcement by the Commissioner of Licenses in New York City. Makes other technical changes.

Ch. 560 (Approved 4/23/63; effective 7/1/63). Requires a theatrical employment agent to investigate whether or not a prospective employer has defaulted in the payment of salary or other compensation to performers during the preceding 5 years. Prohibits the agent from procuring performers for an employer who has so defaulted unless the employer provides sufficient security to pay performers their full compensation for the engagement designated in the contract. Formerly, the law required the agent, prior to signing a contract with an employer, to keep on file a statement showing, among other things, whether the employer had failed to pay salaries during the past 5 years.

STATE DEPARTMENT OF LABOR

Ch. 479. See Private Employment Agencies.

Ch. 603. See Occupational Safety and Health.

UNEMPLOYMENT INSURANCE

Ch. 630 (Approved and effective 4/23/63). Deletes from the experience-rating formula the age factor and the quarterly and annual payroll decrease factors, thereby determining employers' contribution rates solely on the basis of their reserve ratios.

Ch. 631 (Approved and effective 4/23/63). For the purpose of averting the increase in the Federal unemployment tax if the State's share of the cost of the Temporary Unemployment Compensation Act of 1958 has not been repaid by November 10, 1963, grants interim authority to the Commissioner, extending through May 31, 1964, to participate in any installment or deferred payment plan which may be authorized by the Congress for the repayment of such advances.

Ch. 720 (Approved 4/23/63; effective 7/1/63). Provides that, if an employer who employed the claimant in the last 4 weeks in the base period demonstrates that he has continuously employed him without significant interruption and substantially to the same extent and in the same manner as he did during such 4-week period, his account will not be charged with benefits paid the claimant for effective days occurring in any weeks of such continuing employment. Instead, such charges will be made to the account of another employer, in inverse chronological order, or if there is no such other employer, to the general account.

Ch. 793 (Approved 4/26/63; effective 6/25/63). Reduces the weekly benefit amount by any payment received under a pension or retirement plan (other than the Social Security Act or one paying disability benefits) if such weekly benefit is chargeable to the employer providing the retirement benefit. If such plan was financed exclusively by the employer, the reduction would be for the entire amount of the prorated weekly pension payment. If both employee and employer had contributed to the plan, but the employer contributed at least 50 percent, the weekly benefit would be reduced by up to one-half of the retirement payment.

Ch. 799 (Approved 4/26/63; effective 7/1/63). Excludes from the definition of "employment" service performed by a child under 14 years of age.

#### WAGES AND HOURS--ALL WORKERS

Ch. 1010 (Approved and effective 5/3/63). Authorizes wage boards to recommend a regulation for a weekly wage (rather than an hourly wage), on special certificate, for residential employees in a nonprofit-making religious, charitable, or educational organization or nonprofit-making college or university sorority or fraternity.

#### WORKMEN'S COMPENSATION

Ch. 227 (Approved 4/1/63; effective 7/1/63). Increases from \$500 to \$1,000 the amount the employer or carrier pays into the vocational rehabilitation fund if an employee is fatally injured and there are no beneficiaries.

### NORTH CAROLINA

[Regular Session 2/6/63--6/26/63]

#### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 841 (Ratified and effective 6/12/63). Declaring, among other things, that the specialized vocational subjects taught in the high schools do not provide adequately for the development of basic work skills and an understanding of production and distribution processes, directs the State Board of Education to develop

for the public schools a more diversified and comprehensive instruction program in basic work skills, applied economics, and industrial education, and to introduce such a program on an experimental basis. Makes an appropriation for the program of one-half million dollars for the fiscal year 1963-1964 and one million dollars for fiscal year 1964-1965.

Ch. 1223 (Ratified and effective 6/26/63). Makes several changes in the school attendance law. Drops the provision which formerly authorized a principal, teacher, or superintendent to temporarily excuse a child from attendance because of distance of residence from school or bus route. Drops the provision under which local boards of education could authorize rural schools to be conducted for less than 6 hours a day when agricultural needs demanded it, and drops the provision which formerly authorized the State Board of Education, or local boards with the approval of the State board, to suspend operation of a school for up to 60 days of the required 180-day term to meet the needs of agriculture or any other condition if necessary. However, retains the authority of the State Board of Education to order, during any period of emergency, a recess of the public schools in any section of the State where the planting or harvesting of crops or any other emergency conditions make such action necessary; or determine under what circumstances teachers, principals, or superintendents may excuse children because of farm and home demands, and to prescribe what shall constitute unlawful absence. Changes all references to "truancy" to "unlawful absence," and makes other changes.

#### INDUSTRIAL RELATIONS

Ch. 244 (Ratified and effective 4/19/63). Makes it unlawful for any carrier or shipper of property to pay or agree to pay to or for the benefit of a labor organization (defined to include any employee representation committee or plan) any charge by reason of the transportation by railroad of motor vehicles or trailers which are also capable of being moved on the highways. Makes it unlawful for a labor organization to accept such payment.

#### MIGRATORY WORKERS

Ch. 809 (Ratified 6/11/63; effective 1/1/64). Regulates agricultural labor camps established or used as living quarters for 10 or more seasonal or temporary workers engaged in agriculture, including related food processing. Requires an annual permit from the local health department to operate such a camp, to be issued if the health director is satisfied, after investigation or inspection, that the camp meets the standards set in the act. Sets standards for location and construction; fire protection and living space; water supply; bathing, toilet, and sewage facilities; garbage disposal; ventilation and illumination; and central eating facilities.



## North Carolina

Makes the State Board of Health responsible for enforcement; the camp operator, for complying with the sanitation standards; and the crew leader, for maintaining the camp in a sanitary condition. Does not set a specific penalty for noncompliance.

### OCCUPATIONAL SAFETY AND HEALTH

Ch. 1114 (Ratified and effective 6/24/63). Drops the requirement that persons employing more than two males and females in towns or cities of 1,000 or more population must provide separate toilet facilities for each sex and for white and colored workers; and drops the provision which formerly made it a misdemeanor to use a facility not intended for one's sex and color. Instead, requires all persons or corporations employing both males and females to provide adequate, well-lighted, and ventilated toilet facilities for each sex, and makes a conforming change in the penalty provision.

Ch. 1211 (Ratified and effective 6/26/63). Directs the State Board of Health to provide by rule or regulation for the licensing of byproduct, source, or special nuclear materials, or of devices or equipment utilizing such materials. Authorizes the Board to adopt rules necessary for an effective licensing program to protect the public health and safety. Specifically authorizes the Board to require the inspection of premises as a condition of issuance of a license. (A 1959 act authorized the Board to adopt regulations, subject to the Governor's approval, for the control of radiation hazards, including authority to require registration of persons possessing radiation sources.)

Authorizes the Governor to enter into an agreement with the Federal Government for transfer to the State of certain responsibilities with respect to sources of ionizing radiation.

### PRIVATE EMPLOYMENT AGENCIES

Ch. 787 (Ratified and effective 6/11/63). Exempts nonprofit registries for registered nurses or licensed practical nurses from the licensing requirement under the law regulating private employment agencies.

### STATE DEPARTMENT OF LABOR

Ch. 313. See Workmen's Compensation.

## North Carolina

### WAGE PAYMENT AND WAGE COLLECTION

Ch. 1165 (Ratified 6/24/63; effective 1/1/64). Includes in a revision of the law relating to public utilities the repeal of the provision which required semimonthly wage payment to shop and round-house employees of railroads.

### WAGES AND HOURS--ALL WORKERS

Ch. 816 (Ratified 6/11/63; effective 1/1/64). Raises the statutory minimum wage from 75 cents to 85 cents an hour.

Ch. 1123 (Ratified and effective 6/24/63). Excludes certain relatives (spouse, children, or parents) from the enumeration of the four employees required for coverage of an establishment under the minimum wage law.

### WORKMEN'S COMPENSATION

Ch. 313 (Ratified 5/1/63; effective 7/1/63). Removes the Industrial Commission from the Department of Labor by repealing the section that transferred it to the Department and deleting references to the Commission in the section defining the Department of Labor.

Ch. 450 (Ratified and effective 5/17/63). Amends second injury fund financing provision by providing that the Industrial Commissioner may assess against an employer or insurance carrier for loss of use of the back in addition to the members formerly assessable (foot, leg, hand, arm, eye, or hearing).

Provides that in case of lump sum payments, the amount fixed by the Commissioner shall not exceed the "uncommuted" (formerly "commutable") value of the future installments which may be due under the law.

Ch. 553 (Ratified and effective 5/24/63). Makes compensable disability or death due to radioactive properties of substances, or exposure to sources of ionizing radiation (in addition to radium poisoning or injury by X-rays already covered). Provides that such disease shall be deemed to have occurred on the date of disability or death. Requires claims for radiation injury, disability, or death to be filed within 1 year after the employee first suffered incapacity from the exposure and knew or should have known that the disease was caused by his present or prior employment.

Ch. 604 (Ratified 5/29/63; effective 7/1/63). Raises from \$35 to \$37.50 the maximum weekly benefits and from \$10,000 to \$12,000 the maximum total for all types of disability or death. Raises from \$35 to \$37.50 the weekly benefits for members of the National or State Guard.

## North Carolina

Changes provisions governing death payments to dependents and next of kin. Among the changes, provides that if the deceased employee leaves no person either wholly or partially dependent upon him, no compensation shall be payable on account of the death of the deceased, deleting the provision for payment of one-half of the award into the second injury fund when deceased leaves no dependents or next of kin.

Ch. 965 (Ratified 6/18/63; effective 7/1/63). Adds to the compensable occupational diseases the infection or inflammation of any internal or external organ of the body due to irritating oils, cutting compounds, chemical dust, fumes, or other substances, when the last exposure occurs on or after July 1, 1963.

## NORTH DAKOTA

[Regular Session 1/8/63--3/9/63]

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 158 (Approved 3/19/63; effective 7/1/63). Excludes school districts educating children of agricultural migratory workers during June, July, and August from the 180-day school-term maximum that otherwise forms the basis for calculating the allocation of certain school funds. Changes other financing and residence provisions in the school law.

Ch. 254 (Approved 3/5/63; effective 7/1/63). Modifies the provision that sets a 16-year minimum age for employment involving the use of power-driven machinery to make it inapplicable to the use of office machines; pricing or similar machines in retail stores; domestic-type machines in food service operations, such as toasters or coffee grinders; or machines in service stations, such as those used in washing or polishing cars or in dispensing gas or oil, but specifies that such work may not involve the use of pits, racks, or lifting apparatus, or the inflation of a tire mounted on a rim equipped with removable retaining ring. (Another provision sets a 14-year minimum age for employment in most occupations.)

### MIGRATORY WORKERS

Ch. 158. See Child Labor and School Attendance.

## PRIVATE EMPLOYMENT AGENCIES

Ch. 255 (Approved 3/19/63; effective 7/1/63). Enacts a law regulating private employment agencies, to be administered by the Attorney General. Requires an annual license, and sets license fees at \$75 for agencies placing females only, \$100 for those placing males only, and \$150 for those placing males and females. Provides for three classes of licenses, depending on whether the agency services skilled, unskilled, or theatrical occupations, and sets specific conditions for operation under each class. Requires a license applicant to post a \$2,000 bond annually, and to submit character references and information on previous experience in such business. Authorizes the Attorney General to refuse to issue a license if he finds, after investigation, that the applicant's character or the business premises are unfit, or to suspend or revoke a license for cause.

Prohibits registration fees. Requires an agency to file with the Attorney General a schedule of its placement fees and to post it in its main office; prohibits the charging of fees higher than those set in the schedule. Permits a change in fees by the filing of a new schedule.

Prohibits specified practices, among them: sending out an applicant without a bona fide order, unless the applicant is advised he is to be interviewed only; failing to advise an applicant of a strike or lockout at the proposed place of employment; placing a person in unlawful employment; fee-splitting; and false advertising. Requires the refund of fees and transportation costs within 48 hours of demand if an applicant is sent out to a non-existent job vacancy.

Requires the agency to give the applicant a receipt for fees paid, and to keep specified records, which shall be open to the inspection of the Attorney General.

## UNEMPLOYMENT INSURANCE

Ch. 331 (Approved 3/9/63; effective 7/1/63). Deletes from the definition of "employer" the provision under which employing units either directly or indirectly under the control of the same interests were pooled for the purpose of determining whether they meet the size-of-firm provision.

Restricts the definition of "employment" to the common-law meaning but includes within the meaning of the term services performed by an officer of a corporation.

Exempts from coverage real estate salesmen and securities salesmen whose remuneration is solely by way of commission.



## North Dakota

Ch. 333 (Approved and effective 3/9/63). Provides that when an employer's quarterly taxable payroll exceeds his established average annual payroll, his tax rate shall be the standard contribution rate in effect that year, commencing with the first day of such quarter and continuing for the remainder of that calendar year.

Ch. 335 (Approved 3/9/63; effective 7/1/63). Changes the disqualification for the three major causes (previously a variable number of weeks) to the duration of the unemployment and until the individual earns 10 times his weekly benefit amount, and is separated from his last employment under nondisqualifying circumstances.

Repeals provision which provides for the noncharging to an employer's account of benefits paid to an individual who has been discharged by him for misconduct connected with his work, or who has left his work with such employer voluntarily without good cause, or with good cause not involving fault on the part of the employer.

Ch. 336 (Approved and effective 3/16/63). Effective for benefit years beginning July 7, 1963, changes the maximum weekly benefit amount from \$36 to 50 percent of the State's average weekly wage, computed annually for benefit years beginning the first day of the first full week in July, based on insured employment for the previous calendar year.

Increases the minimum weekly benefit amount from \$10 to \$15.

Changes the qualifying wage requirement from 39 times the weekly benefit amount, with minimum base-period earnings of \$390, to 40 times the weekly benefit amount, with minimum base-period earnings of at least \$600. Deletes "step-down" provision.

Clarifies the requalifying requirement by stipulating that "insured work" means employment for "employers."

Changes the duration of benefits from 24 times the weekly benefit amount for all eligible claimants to 18 weeks for individuals with qualifying wages of at least 40 times the weekly benefit amount; 22 weeks for wages of at least 55 times the weekly benefit amount; and 26 weeks for wages of at least 70 times the weekly benefit amount.

## WORKMEN'S COMPENSATION

Ch. 427 (Approved 3/19/63; effective 7/1/63). Raises from a range of \$42-\$57 to \$45-\$60, according to number of dependents, the maximum weekly benefits for temporary and permanent total disability.

# OHIO

[Regular Session 1/7/63--12/10/63]

## CHILD LABOR AND SCHOOL ATTENDANCE

H. 492. See Occupational Safety and Health.

H. 564 (Approved 7/11/63; effective 10/10/63). Modifies the provision prohibiting nightwork from 6 p.m. to 7 a.m. for boys under 16 years of age. Allows boys of 14 and 15, with the approval of the local superintendent of schools, to work the same night hours before nonschool days as is already permitted every night for boys of 16 and 17. Thus, prohibits nightwork from 10 p.m. to 6 a.m. for boys of 14 and 15 before nonschool days. (Retains existing provisions for girls: work prohibited from 6 p.m. to 7 a.m. for those under 16, and from 9 p.m. to 7 a.m. for those of 16 and 17.)

Exempts from the 18-year minimum age for operating or being a helper on a motor vehicle: employment which is incidental to a school-supervised vocational training program that meets the standards of the board of education.

## HOURS OF WORK

H. 391 (Approved 7/11/63; effective 10/10/63). Amends the motor vehicle code. Requires that the driver of a "commercial car," or "commercial tractor" as defined, be given 8 consecutive hours off duty after 14 consecutive hours of service, and after 14 total hours of service in any 24-hour period. Prohibits requiring that any part of the off-duty time be spent in or upon a motor vehicle. Exempts cases of emergency.

## OCCUPATIONAL SAFETY AND HEALTH

H. 10 (Approved 6/24/63; effective 9/24/63). Authorizes the Governor to enter into agreements with the Federal Government for transfer to the State of certain responsibilities with respect to sources of ionizing radiation.

H. 492 (Approved 5/27/63; effective 8/26/63). Requires pupils and teachers to wear eye protective devices meeting the standards of the American Standards Association when participating in a vocational program in a public school involving experience with specified processes or materials, including hot molten metals, caustic or explosive materials, the milling or sawing of any solid material, arc welding, and others. Authorizes boards of education to purchase such devices and sell them at cost to pupils and teachers; and requires them to furnish such devices to all visitors.

PRIVATE EMPLOYMENT AGENCIES

S. 212 (Approved 6/17/63; effective 9/16/63). Repeals the provision enacted in 1961 which authorized the establishment of an advisory council to recommend changes in legislation or regulations of the private employment agencies law.

UNEMPLOYMENT INSURANCE

H. 222 (Approved 7/16/63; effective 10/20/63). Adopts an average-weekly wage formula (computing the weekly benefit amount at 50 percent of the individual's average weekly wage) to replace the former high-quarter formula.

Changes the qualifying requirement from 20 weeks of employment and \$240 to 20 credit weeks (with wages of \$20 in each week).

Changes the limitation on duration of benefits from 100 percent of base-period wages to 20 weeks of benefits for claimants with 20 credit weeks and 1 week of benefits for each 2 additional credit weeks; retains the maximum of 26 weeks of benefits.

Provides, with respect to an interstate claim, a weekly benefit amount equal to the average weekly benefit amount being paid at the beginning of the claimant's benefit year in the agent State, or the amount provided under the Ohio law, whichever is the lesser, and reduces the maximum potential benefits by the amount the claimant would have received under the Ohio law.

Amends the dependents' allowances provision to specify that if both the husband and wife qualify for benefit rights, with overlapping benefit years, only one is entitled to dependents' allowances.

Provides for a reduction in the weekly benefit amount if a claimant is receiving benefits under a private retirement plan or Title II of the Social Security Act.

Amends the able-and-available provision to substitute a provision requiring an active search for work in the locality in which the claimant earned his base-period wages or, if the claimant leaves such locality, in a locality where suitable work is normally performed. Amends the labor-dispute disqualification to apply to unemployment due to a labor dispute at any factory, establishment, or other premise located in Ohio or any other State and owned or operated by the employer.

Deletes from the provision regarding the determination of suitable work the requirement that consideration be given to the claimant's prior earnings.

Ohio

Amends the pregnancy disqualification (8 weeks before and 8 weeks after) to disqualify the claimant for the duration of her unemployment.

Defines "duration of his unemployment" as the full period of unemployment next ensuing after a separation from work and until the individual has become reemployed in employment subject to the Ohio law or that of another State or of the United States and until he has worked 6 weeks and earned wages equal to 6 times his weekly benefit amount; except that in the case of pregnancy or quitting work for domestic reasons, the amount of earnings required to requalify would be an amount equal to the claimant's weekly benefit amount. In addition, a claimant who quit work because of pregnancy must furnish medical evidence that she is fully able to work, and that work with her former employer is no longer available.

Provides for omission of charges to an employer's account if a claimant, disqualified for voluntary leaving, satisfies the disqualification and is subsequently separated from his later employment.

Amends the request-reporting-procedure provision to permit redetermination of a claimant's benefit rates upon receipt of corrected wage information at any time within the benefit year, without adjustment of prior benefit charges to the employer's benefit account.

Deletes from the provision relating to appeals procedures the qualification that "nor shall there be imposed upon the claimant or the employer any burden of proof such as obtains in a court of law."

Provides that, when a controversy exists with respect to a determination applicable to more than 500 claimants similarly situated, whose claims or appeals are pending, or on reconsideration or appeal filed by three or more employers, or by such claimants, the Board of Review chairman would be required to select a representative claim and assign it for fair hearing and decision. Upon issuance of the Board decision the chairman must certify it directly to the Supreme Court. This provision would not prevent any claimant from applying for and being granted a hearing to show that the facts in his case are different from the facts in the claim selected as the representative claim; such claimants may also appeal the decision of the Administrator or Board which is based on the decision of the court in the representative case.

Makes revisions in the tax structure, including an increase in the maximum tax rate from 3.2 percent to 4.7 percent.



## Ohio

Limits benefit charges to employers' accounts to one-half of the claimant's total wages in his credit weeks, plus an amount computed by multiplying the claimant's dependents' allowances by two-thirds of such credit weeks, and if the total benefits exceed the total amount charged, the excess shall be apportioned among all base-period employers.

Provides that the contribution rate of an employer who has not furnished the wage information required on a claim shall be the maximum rate.

### WORKMEN'S COMPENSATION

S. 131 (Approved 7/2/63; effective 10/1/63). Raises maximum benefits for temporary total disability from \$49 to \$56 for the first 12 weeks of disability; retains maximum benefits of \$49 a week for additional weeks.

Specifies that for death to be compensable, it must occur within 3 years after the injury or the contraction of an occupational disease. (Formerly, death had to occur within 2 years after the injury, but no limitation was specified for death due to an occupational disease.)

Deletes the requirement that a claim for occupational disease benefits be filed within 6 months after the date the worker is informed of the diagnosis; but retains other provision as to when claim must be filed.

## OKLAHOMA

[Regular Session 1/8/63--6/14/63]

### DISCRIMINATION IN EMPLOYMENT

Ch. 322 (Approved and effective 6/21/63). Creates the Oklahoma Human Rights Commission, composed of nine members appointed by the Governor. Directs the commission to discourage discrimination and encourage fair treatment of all persons regardless of race, color, creed, national origin, or ancestry; and, among other things, to study and report on discrimination in the State; to disseminate its reports and other information to private businesses and industry to assist them in promoting full and open opportunity for all citizens; to serve in a consultative capacity to communities, organizations, and businesses on request; to receive, investigate, and conciliate complaints and recommend ways of eliminating injustices due to discrimination; to hold hearings; and to make a biennial report to the Governor and the legislature, including authority to make legislative recommendations. Authorizes the commission to hold hearings and request the appearance of witnesses; directs the Attorney General to represent it in legal matters.

## Oklahoma

Specifically prohibits discrimination in State employment and provides for investigation by the commission, and for investigation and enforcement by the State Personnel Board, both in the classified and nonclassified service. (These provisions are in addition to the existing law relating to discrimination in the classified service.)

### MIGRATORY WORKERS

Ch. 233 (Approved and effective 6/13/63). Enacts a mandatory law regulating migrant labor camps used as living quarters for 15 or more seasonal, temporary, or migrant persons and occupied for more than three days. Requires an annual license, but gives existing camps 90 days after the issuance of regulations in which to obtain it. Authorizes the State Commissioner of Health to enforce the law, to inspect camps, and to issue or revoke licenses. Provides for a five-member Advisory Board appointed by the President of the Board of Agriculture, and composed of owners or operators of migrant labor camps.

Directs the State Board of Health, with the advice of the advisory board, to issue regulations to protect the health and safety of camp occupants, including such provisions as those relating to construction, sanitation, water supply, ventilation, safety, equipment maintenance, and operation of the camp. Provides that the regulations shall not become effective until July 15, 1964.

Makes it a misdemeanor, subject to fine or imprisonment or both, for a camp operator to violate the law or regulations, and for an employee or occupant to violate the regulations or to fail to use the sanitary or other facilities.

### OCCUPATIONAL SAFETY AND HEALTH

Ch. 118 (Approved and effective 5/31/63). Prohibits work, or permitting an agent or employee to work, when it is possible for the person or the equipment or material he is using to come within six feet of a high voltage overhead electrical line or conductor; also prohibits storing, operating, or moving equipment, materials, or a building within six feet of such conductors. Requires that signs be posted, warning of the required clearance, in plain view of the operator of a crane or similar apparatus which is capable of a swinging motion.

Permits temporary work within the required six-foot clearance if specified arrangements have been made beforehand for temporary mechanical barriers, de-energizing and grounding the conductors, or temporarily raising the conductors.

## Oklahoma

Exempts work by authorized persons on the conductors themselves or their supporting structures, work on telephone or communication circuits, and work on specified railroad equipment.

Ch. 326 (Approved and effective 6/18/63). Authorizes the Governor to enter into agreements with the Federal Government for transfer to the State of certain responsibilities with respect to sources of ionizing radiation.

### WORKMEN'S COMPENSATION

Ch. 54 (Approved and effective 5/13/63). Extends coverage to employees of "custom or commercial feed lots offering services to the public for the feeding of livestock."

Ch. 93 (Approved and effective 5/27/63). Raises the weekly maximum benefits from \$35 to \$37.50 for temporary disability and from \$30 to \$37.50 for permanent disability.

S. Res. 64 (Approved 6/14/63). Directs the executive committee of the State Legislative Council to arrange for the preparation of legislative recommendations for a mandatory rehabilitation program under the workmen's compensation program.

## OREGON

[Regular Session 1/14/63--6/3/63]

### AGRICULTURAL WORKERS

Ch. 543. See Industrial Relations.

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 472. See Workmen's Compensation.

### DISCRIMINATION IN EMPLOYMENT

Ch. 622 (Approved 6/24/63; effective 9/1/63). Makes several strengthening amendments to the law prohibiting discrimination in employment and in places of public accommodation, resort, or amusement. Provides that the settlement terms of a complaint, reached through conference, conciliation, or persuasion, shall be contained in a written conciliation agreement filed with the labor commissioner, and makes such agreements enforceable through the courts in the same manner as cease and desist orders are already enforceable. Newly defines a cease and desist order as including taking as well as refraining from certain action.

## Oregon

Adds to the unlawful employment practices based on age a prohibition against advertising or pre-employment applications which express a limitation as to the age of a person between 25 and 65 years, unless based on a bona fide occupational qualification. (The law already prohibits such discriminatory practices on the basis of race, religion, color, or national origin.) Specifically gives the Bureau of Labor jurisdiction over cases of discrimination because of age in private employment. (Formerly, although age discrimination in private employment was prohibited, the enforcement provision referred only to public employment.)

Specifically grants the labor commissioner rulemaking authority to carry out the purpose of the antidiscrimination law, including rules on discriminatory employment or pre-employment inquiries.

Provides that prior to a final administrative determination on the merits of a complaint, the respondent may not, with intention to defeat the purposes of the law, take any action which makes unavailable to the complainant the employment opportunities sought. Provides that if the respondent takes such action, or violates the provisions of a cease and desist order, or in case of noncompliance by a successor in interest to the business, the complainant shall have a cause of action for damages.

Makes other administrative and procedural changes.

### INDUSTRIAL RELATIONS

Ch. 249 (Approved 5/6/63; effective 9/1/63). Prohibits requiring a person to take a lie-detector test as a condition for employment or continuation of employment.

Ch. 543 (Approved and effective 6/13/63). Reenacts the provisions which prohibit the picketing of farms, ranches, and orchards, where perishable agricultural crops are produced while such crops are being harvested, except by regular employees, replacing former provisions enacted in 1961 which expired May 1, 1963. Changes the definition of a regular employee to one who has been employed at least six calendar workdays immediately before the picketing, instead of three consecutive workdays. Newly requires employers to post notices conspicuously, in English and Spanish of this prohibition.

Ch. 579 (Approved 6/19/63; effective 9/1/63). Grants to employees of the State, county, or city, or any of its political subdivisions or agencies, the right to join labor organizations of their own choosing and to bargain collectively with their public employers on employment relations, including wages, hours, grievances, and



## Oregon

other working conditions. Authorizes public employers to enter into such collective bargaining agreements, and prohibits them from interfering with or discriminating against their employees because of the exercise of their rights. Prohibits public employees from striking or recognizing a picket line of a labor organization while performing official duties.

Ch. 604 (Approved 6/19/63; effective 9/1/63). Provides that every employer shall pay his contribution into an employee benefit plan fund when required to do so, by agreement or otherwise, in order that the employee may participate in the plan, or the affected employee shall have a lien on the earnings and on all property used in the operation of the employer's business. Sets the extent of the lien at the contribution plus any penalties due in order to qualify the employee to participate in the plan, and any money expended or obligation incurred for medical, hospital, or other expenses to which the employee would otherwise have been entitled. Specifies that this type of lien shall have priority over certain other liens and encumbrances, except liens for labor performed or wages.

### MIGRATORY WORKERS

Ch. 11 (Approved 2/28/63; effective 7/31/63). Continues from August 1, 1963 to January 1, 1968 the Interagency Committee on Migratory Labor, created in 1959 to make efficient the administration of laws affecting migratory workers. Adds that the committee is to observe migrant problems and make recommendations to the Governor and the Legislative Assembly. Retains the committee's original membership, which includes the labor commissioner, but replaces the unemployment compensation chairman with the employment commissioner.

Ch. 170 (Approved 4/29/63; effective 9/1/63). Amends the section of the farm labor camp law that authorizes a local health officer to close a camp or any of its facilities if it violates the health code. Adds a provision requiring the State Health Officer to perform the duties of the local health officer if that position is vacant, or if the person refuses or is otherwise unable to act.

### OLDER WORKERS

Ch. 622. See Discrimination in Employment.

### TRAINING AND RETRAINING

Ch. 216 (Approved 5/2/63; effective 7/1/63).

Ch. 291 (Approved 5/15/63; effective 7/1/63). Authorizes the Department of Employment to enter into agreements with the Federal Government whereby the commissioner may act as agent in the payment of subsistence or other cash allowances in Federal programs, including training and retraining programs.

## Oregon

Authorizes the Bureau of Labor to enter into agreements with the Federal Government for the purpose of conducting on-the-job training and retraining programs.

Makes other grants of authority to the employment and labor commissioners incidental to such programs.

### UNEMPLOYMENT INSURANCE

Ch. 13 (Approved 3/7/63; effective 7/1/63). Provides that the benefit year shall be 53 weeks (instead of 52 weeks) if the filing of an initial valid claim would result in overlapping any quarter of the base year of a previously filed initial valid claim.

Provides that the benefit year will commence with the first week (instead of the first week of unemployment) with respect to which an individual files an initial valid claim for benefits.

Ch. 14 (Approved 3/7/63; effective 7/1/63). Deletes the provision which required a civil action for recovery of benefits to be brought in the "circuit court for the county where the claim was filed."

Ch. 302 (Approved 5/15/63; effective 7/1/63). Changes the experience-rating formula from reserve ratio to benefit ratio. Uses the ratio of payrolls to benefits paid in the 12-calendar-quarter period (4 calendar quarters for newly covered employers) ending on the computation date to establish employers' benefit ratios.

Provides for three schedules of reduced rates, with rates in the most favorable schedule, applicable when the fund reserve ratio is at least 5.5 percent, ranging between 1.2 and 2.7 percent. Provides that reduced rates will be suspended when the fund reserve ratio is under 4.5 percent. Repeals the provision permitting voluntary contributions.

Ch. 441 (Approved 6/4/63; effective 1/1/64). Increases the maximum weekly benefit amount from \$40 to \$44 and the minimum weekly benefit amount from \$15 to \$20. Changes the computation of the weekly benefit amount from 1/26 of high-quarter earnings to 1.25 percent of base-period earnings.

Ch. 453 (Approved 6/4/63; effective 7/1/63). Authorizes the State of Oregon to enter into reciprocal agreements with other States for the purpose of enforcing liability for unemployment insurance contributions (including interest and penalties).

Ch. 468 (Approved 6/6/63; effective 9/1/63). Provides that an individual who is unemployed and eligible to receive old-age insurance benefits under Title II of the Social Security Act is presumed to have withdrawn from the labor force unless and until he is able to rebut this presumption.

## Oregon

Ch. 469 (Approved 6/6/63; effective 7/1/63). Excludes from the definition of "employment" service performed in the transportation by motor vehicle of logs, poles, and piling by any person who furnishes and maintains the vehicle.

### WAGE PAYMENT AND WAGE COLLECTION

Ch. 258 (Approved 5/8/63; effective 9/1/63). Extends the authority of the labor commissioner to take an assignment for an employee on a wage claim for unpaid wages to include also taking the assignment for the spouse, parent, or legal guardian having a right to the wages of such employee.

Ch. 348 (Approved 5/21/63; effective 9/1/63). Extends the wage payment and wage collection law by deleting from the definition of "employer" the clause that formerly limited its application to a person who is conducting a business in the State. Thereby makes the law applicable to any person in the State who, directly or through an agent, engages the services of an employee.

### WORKMEN'S COMPENSATION

Ch. 323 (Approved 5/16/63; effective 9/1/63). Provides for setting aside in the Second Injury Reserve 4 percent, rather than  $2\frac{1}{2}$  percent, of the total monthly receipts of the Industrial Accident Commission from all sources. Provides as before for reducing charges based on the employer's experience rating in subsequent injury cases, but removes the minimum and maximum limits on such reductions.

Ch. 472 (Approved 6/6/63; effective 9/1/63). Creates a Special Injury Fund under the jurisdiction of the Industrial Accident Commission to provide benefits for mentally retarded minors injured or killed in non-remunerative on-the-job training as a part of a special education program of the school district. Specifies that, except for temporary partial disability, benefits shall be paid in the same manner as provided for injured workmen under the workmen's compensation law. Sets a maximum of \$7,500 for medical, surgical, or hospital expenses, compensation, and rehabilitation. Specifies that rehabilitation services shall include services of physician or rehabilitation facility, and may include travel, board, and room, when necessary.

Requires claims for benefits to be filed within 90 days after the injury or death.

Appropriates \$15,000 to the Special Injury Fund.

Ch. 527 (Approved 6/12/63; effective 9/1/63). Provides restricted workmen's compensation benefits (including rehabilitation) for prison inmates injured while employed on authorized work projects.

## PENNSYLVANIA

[Regular Session 1/1/63--8/1/63]

### TRAINING AND RETRAINING

Act 457 (Approved 8/14/63; effective 60 days later). Amends the provisions of the Public Assistance Law dealing with work programs for employable recipients of assistance. Among other changes, extends the work program provisions to cover training programs, and makes recipients of aid to families with dependent children who are 18 years and over eligible for participation; formerly the work projects were limited to recipients of general assistance. Replaces the specific standards for such projects, including the requirement for the Governor's approval, formerly set in the law, with a grant of general rulemaking authority to the Department of Public Welfare to set standards for these community work and training programs. Authorizes county boards of assistance to administer them.

### WAGES--PREVAILING WAGES

Act 342 (Approved 8/9/63; effective 60 days later). Amends the prevailing wage law. Makes contracts in excess of \$25,000, instead of \$2,000, subject to the law. Creates in the Department of Labor and Industry an Advisory Board and an Appeals Board, composed of seven members each with mutually exclusive tripartite membership. Gives each board rulemaking authority. Empowers the Advisory Board to advise the labor secretary, who is now required to consult it before determining minimum rates. Empowers the Appeals Board to hear and determine any grievance or appeal arising out of the administration of the act. Among other changes, requires the Secretary, in determining minimum rates, to consider as part of the prevailing rate employee contributions for employee benefits under a collective bargaining agreement, in addition to employer contributions as before.

## PUERTO RICO

(Information on 1963 laws will appear in the 1964 Digest.)

## RHODE ISLAND

[Regular Session 1/1/63--12/31/63]

### APPRENTICESHIP

Ch. 192. See Industrial Relations.

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 44. See Workmen's Compensation.



## Rhode Island

### HOURS OF WORK

Ch. 132 (Approved and effective 4/30/63). Modifies the provision which limits women's hours of work to 9 or 9-3/5 a day and 48 a week to permit women to work up to 10 hours a day and 52 a week, on a temporary economic hardship permit, if paid time and one-half the regular rate after 48 hours. Requires the employer to submit a sworn statement on the need for the overtime, and gives the Director of Labor discretionary authority to issue the permit.

### INDUSTRIAL RELATIONS

Ch. 54 (Law without approval and effective 7/3/63). "The Policemen's Arbitration Act." Grants to full-time policemen in any city or town the right to bargain collectively on wages, hours, and other conditions of employment. Defines "policemen" to include all ranks, including the chief. Requires the city or town to recognize as the sole and exclusive bargaining agent for all their police the organization selected by a majority in the city or town, to meet and confer in good faith with the bargaining agent, and to reduce to a written contract any agreement reached. Requires the bargaining agent to give specified advance written notice to the governmental corporate authorities whenever wages or other matters requiring an advance appropriation are to be included in the negotiations.

Provides that if the parties are unable to reach an agreement on a contract within 30 days of their first meeting, all unresolved issues shall be submitted to arbitration. Sets up time limits and procedures for conducting the arbitration, and specifies the wage comparisons and other factors to be considered by an arbitration board in reaching an opinion.

Requires that collective bargaining agreements shall include a provision that the subject policemen do not have the right to strike or to engage in a work stoppage or slowdown. Declares as a matter of public policy that the establishment of this method of arbitration shall not be deemed to be a recognition by the State of compulsory arbitration as a superior method of settling labor disputes for employees who have the right to strike, but shall be deemed, rather, to be a recognition solely of the necessity to provide an alternative method of settling disputes when employees must, as a matter of public policy, be denied the usual right to strike.

Ch. 192 (Approved and effective 5/11/63). Extends coverage of the law regulating "employees' trusts" created by employers (such as pension, disability or death benefit plans for the benefit of employees to which contributions are made

## Rhode Island

by the employer and/or employees) by extending the definition of such trust to include also a trust created for the maintenance and regulation of an apprentice training program. Also extends the definition of "employer" to include any combination of employers, as well as a group of employers as before, and to include also a labor union.

Ch. 200 (Approved and effective 5/10/63). Prohibits the employment of professional strikebreakers by making it unlawful: for any person not directly interested in a labor strike or lockout knowingly to recruit or refer as a strike- or lockout-replacement, or for any person involved in such dispute knowingly to employ as a replacement a person who customarily and repeatedly offers himself for employment as such a replacement; and for such a replacement to take or offer to take the place of an employee involved in a strike or lockout.

Also makes it unlawful for any person to recruit, advertise for, or refer strike- or lockout-replacements without adequate notice that there is a strike or lockout and that the employment is as such a replacement.

### TEMPORARY DISABILITY INSURANCE

Ch. 190 (Approved and effective 5/11/63). Increases from 12 to 14 weeks the period during which a claimant, unemployed due to illness resulting from pregnancy, may receive benefits, but continues to allow an extension of this period for unusual complications arising as a result of childbirth.

### UNEMPLOYMENT INSURANCE

Ch. 35 (Approved and effective 4/8/63). Permits the payment of dependents' allowances for children under 18 years of age (presently limited to those under 16).

Ch. 71 (Approved and effective 5/3/63). Authorizes the Director of the Department of Employment Security to repay to the Federal Government, on or before November 9, 1963, the total benefit and administrative costs incurred by Rhode Island under the Temporary Unemployment Compensation Act of 1958.

In the event any installment or deferred payment plan is enacted by the Congress for the repayment of such sums, authorizes the Director to participate in such plan.

Ch. 146 (Approved and effective 5/7/63). Exempts from coverage service performed by real estate salesmen if remuneration for such service is solely by commission.

## Rhode Island

### WAGES AND HOURS--ALL WORKERS

Ch. 135 (Approved 5/7/63; effective 9/3/63). Raises from 30 to 40 cents an hour the maximum gratuity allowance that may be counted as part of the statutory minimum wage in hotels, restaurants, and other industries, except taxicabs. Retains the 10 cents per hour maximum for taxicabs. (The statutory minimum rate advanced from \$1.15 to \$1.25 an hour on September 3, 1963.)

### WORKMEN'S COMPENSATION

Ch. 44 (Approved and effective 4/24/63). Requires treble, rather than double, compensation for a minor who is injured while employed in violation of any State or Federal law relating to the employment of minors.

Ch. 45 (Approved and effective 4/24/63). Raises maximum weekly benefits for total disability from \$40 to \$45, and the minimum from \$17 to \$22, in those cases where the injured employee is not entitled to or has exhausted his benefits under the Temporary Disability Act. Raises from \$2.50 to \$3 the additional weekly amounts allowed (payable from the subsequent injury fund) for each dependent child if a totally disabled worker has ceased to receive payments under the Temporary Disability Act; provides that such benefits may be paid for children up to age 18 rather than 16; and raises from \$8 to \$12 the total additional weekly amount which may be paid on account of such children.

Ch. 46 (Approved and effective 4/24/63). Raises from \$20 to \$30 the weekly maximum for death benefits for a widow, and from \$2 to \$4 the additional weekly amount for each child.

For other wholly dependent survivors, raises from \$18 to \$30 the maximum weekly benefits and from \$16 to \$26 the minimum benefits for death.

Reduces the benefit period for the widow from 600 to 500 weeks.

Ch. 50 (Approved and effective 4/24/63). Raises from \$27 to \$30 the maximum weekly benefits and from \$14 to \$16 the minimum weekly benefits for schedule injuries.

Increases benefit periods for certain schedule injuries; for example, from 275 to 312 weeks for loss of an arm, from 150 to 205 weeks for loss of a foot, from 36 to 46 weeks for loss of an index finger, and from 150 to 200 weeks for the complete loss of hearing in both ears.

## SOUTH CAROLINA

Regular Session 1/8/63--6/14/63

### TRAINING AND RETRAINING

Act 67 (Approved and effective 3/20/63).

Act 243 (Approved and effective 5/24/63).

Act 358 (Approved and effective 6/14/63). In fulfillment of the purpose of Act 323 of 1961 to establish a program of technical education and training in the State, creates three technical education commissions, each representing two or more specified counties. Directs each commission to establish a technical education center within its district. Does not include high school graduation as a prerequisite for such training.

### WAGES--PUBLIC WORKS

Act 300 (Approved and effective 6/7/63). Directs the State Highway Department to require contractors on public highway construction contracts exceeding \$10,000 to furnish a performance and indemnity bond in the full amount of the contract, and not less than \$10,000; and a payment bond of at least 50 percent of the contract amount for the protection of persons supplying labor and materials. Authorizes a contracting authority to require additional security. (Formerly, bonds of at least 15 percent of the contract amount were required.)

Grants to every person who has furnished labor or material and who has not been paid in full within 90 days the right to sue on the payment bond for any unpaid balance due him. Gives to persons having a contractual relationship with a subcontractor the right to sue on the contractor's bond upon giving the contractor written notice.

### WORKMEN'S COMPENSATION

Act 137 (Approved and effective 4/24/63). Exempts disability or death due to ionizing radiation from the requirement applicable to occupational diseases that to be compensable the disease must be contracted within one year after the last exposure.

## SOUTH DAKOTA

Regular Session 1/8/63--3/6/63

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 268 (Approved and effective 3/11/63). Amends the motor vehicle law to extend the use to which a "restricted work



permit" may be put. The law authorizes the issuance of such a permit (which is an operator's permit) to minors between 14 and 16 years of age and sets certain conditions on its use. Formerly, such a permit entitled the minor to operate a motor vehicle of up to 10 thousand pounds gross vehicle weight for the direct purpose of assisting his parents in all phases of farmwork. Operation was limited to a 50-mile radius of the parent's farm house between 6 a.m. and 7 p.m. Application for the permit had to be accompanied by an affidavit signed by both parents, stating the need for the permit.

As amended, permits the minor to operate a vehicle to assist an employer, in addition to parents as before, in all phases of work (instead of farmwork only); raises the permissible vehicle weight from 10 to 20 thousand pounds; and measures the 50-mile limit from the place of employment, rather than from the parent's farm house. Retains the 6 a.m. to 7 p.m. limit on the hours of operation. Requires the employer's signature on the affidavit if the parents are not the employer. Newly designates such a permit as a probationary permit, and authorizes a peace officer to require its surrender and to recommend to the motor vehicle commissioner that it be withdrawn if the minor has been convicted of a traffic violation.

(This law does not affect the employment certificate requirements set by the child labor law.)

#### UNEMPLOYMENT INSURANCE

Ch. 121 (Approved 3/4/63; effective 7/1/63). Specifies that wherever in the South Dakota Employment Security Law, or related laws, the words "Employment Security Commissioner" or "Unemployment Compensation Commissioner" are used, such words shall be construed to mean "Commissioner and Counsel of the Employment Security Department of South Dakota."

Ch. 122 (Approved 3/4/63; effective 7/1/63). Changes the partial earnings allowance from \$3 to one-half of an individual's earnings in a week of less than full-time work but stipulates that the sum of such wages and benefit shall not exceed one and one-half times the individual's weekly benefit amount.

Ch. 124 (Approved 3/14/63; effective 7/1/63). Increases the maximum weekly benefit amount from \$33 to \$34; and maximum benefits potentially payable from \$792 (for base-period wages of \$3,100) to \$816 (for base-period wages of \$3,200).

Ch. 125 (Approved 3/13/63; effective 1/15/64). Provides, effective January 15, 1964, for periods of ineligibility of 7, 9, 11, or 13 weeks, varying with the claimant's base-period wages. Provides that any disqualification imposed will follow the period of ineligibility.

Incorporates a savings clause that if, prior to January 8, 1964, the Secretary of Labor finds that the proposed amendments are not in conformity with Federal requirements, they shall not take effect.

Ch. 126 (Approved 3/4/63; effective 7/1/63). Increases the disqualification for voluntary leaving from 1-5 weeks to 4-9 weeks, and for misconduct from 1-10 weeks to 7-24 weeks. Reduction of benefits is retained under both disqualifications.

Ch. 128 (Approved 3/4/63; effective 7/1/63). Repeals provision requiring every public corporation, on entering into a contract for public improvement with an out-of-State contractor for a contract, the completion date of which is 18 months or less, to provide that such contractor will pay, within 24 months after completion of the contract, 50 percent of the benefits, less any contributions paid, which have been charged to him.

#### WORKMEN'S COMPENSATION

Ch. 458 (Approved 3/11/63; effective 7/1/63). Raises hospital benefits from \$700 to \$1,400; retains the \$300 allowance for medical or surgical services, making a total of \$1,700 instead of \$1,000 for such initial benefits. Increases from \$1,000 to \$1,200 the amount for additional medical, surgical, or hospital services which the Commissioner may allow upon application and reasonable proof of the necessity therefor.

Ch. 459 (Approved 3/11/63; effective 7/1/63). Raises from \$3,000 to \$4,000 the minimum and from \$9,000 to \$10,000 the maximum aggregate death benefits for a widow and children. However, retains the provision for additional payments for children under 18 years of age, raising the amount of such payments from \$12.50 to \$15 per month each. Removes the limitation that such additional benefits are payable for a maximum of five children, but sets the total maximum for death benefits at \$13,000 (rather than \$11,000) including such additional benefits.

Ch. 460 (Approved 3/11/63; effective 7/1/63). Raises from \$35 to \$38 the maximum weekly benefits payable for all types of disability. Raises the minimum benefits from \$15 to \$20 or the average weekly wage if less, except in the case of permanent total disability where the minimum is raised from \$15 to \$20 for the first 300 weeks. (Retains the provision that after 300 weeks a maximum of \$15 and a minimum of \$12 a week is payable for life.) Raises from \$12,000 to \$13,500 the total maximum amount payable for permanent total disability.

# TENNESSEE

Regular Session 1/7/63--3/22/63

## CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 13 (Approved and effective 2/8/63). Repeals the sections of the school law, among others, relating to part-time schools or classes for employed children over 14, including the provisions which had authorized the establishment of such continuation schools and which had required children of 14 and 15 to whom employment certificates had been issued to attend whenever such schools were established and accessible to them.

Ch. 61 (Approved and effective 3/5/63). Permits a private licensed physician (in addition to a public health or public school physician, as formerly) to examine a minor and issue a certificate of physical fitness, an existing prerequisite for an employment certificate.

Ch. 229. See Training and Retraining.

## OCCUPATIONAL SAFETY AND HEALTH

Ch. 169 (Approved and effective 3/20/63). Creates in the office of the Governor a Staff Division for Industrial Development and transfers to it the duties, among others, formerly vested in the Tennessee Advisory Committee on Atomic Energy. (This committee had been created in 1957 to cooperate with the Federal and State Governments, and to coordinate State studies and legislative recommendations on radiation control with each other and with those of other States and the U. S. Atomic Energy Commission.) Abolishes the committee but provides that it shall continue, in the Governor's discretion, as an advisory body to the director of the new division. Gives the division rulemaking authority.

## TRAINING AND RETRAINING

Ch. 229 (Approved 3/22/63; effective 7/1/63). Authorizes and directs the State Board for Vocational Education to establish and operate a statewide system of area vocational-technical schools to provide occupational training of less-than-college grade for school dropouts, high school and post-high school youth, adults needing retraining, the handicapped, older workers, apprentices, other employed learners, and employed workers. Also directs the board to establish one or more regional technical schools to train engineering technicians for industry, and technicians or technical workers for production, distribution, or service industries. Declares it to be the intent of the legislature that there shall be a unified, overall program of vocational education and technical training in the State, including all vocational purposes and programs.

Authorizes the board to accept funds from any public or private body, expend Federal funds that may be made available, and enter into contracts; makes other financing provisions.

#### UNEMPLOYMENT INSURANCE

Ch. 176 (Approved 3/20/63; effective 7/1/63). For benefit years commencing after July 1, 1963, increases the maximum weekly benefit amount from \$32 to \$36. Increases the minimum weekly benefit amount from \$8 to \$12.

Changes the qualifying-wage requirement from 40-60 times the weekly benefit amount with \$182 in high quarter and \$320 in base period to 36 times the weekly benefit amount with at least \$286.01 in high quarter and \$432 in base period. Deletes the "step-down" provision.

Increases the requalifying amount required for subsequent benefit years from 4 times the weekly benefit amount to 5 times the weekly benefit amount.

Changes the duration of benefits from uniform 22 weeks to the lesser of 26 times the weekly benefit amount and 1/3 of base-period wages.

Changes the disqualification for the three major causes from a fixed number of weeks (and benefits reduced accordingly) to duration of the unemployment and until 5 times the weekly benefit amount is earned. Repeals the special disqualifications for separations due to marital or domestic reasons, removal to a remote area, and pregnancy.

Increases the taxable wage base from \$3,000 to \$3,300, retroactively effective January 1, 1963.

Provides that if, at any time after April 1, 1964, the fund balance falls below \$75 million (formerly \$50 million) each employer's contribution rate will be increased one step (formerly two steps) in the schedule.

Provides that neither the commissioner, a member of the Board of Review, nor any employee of the department, shall be required to appear in court to give evidence concerning official records of the department, but permits such evidence to be given by deposition, provided such deposition is taken in the office where the record is filed, or by means of interrogatories.

Requires that prosecutions for misrepresentation in order to obtain benefits must be commenced within 2 years after commission of the offense.



## WORKMEN'S COMPENSATION

Ch. 362 (Approved 4/1/63; effective 7/1/63). Raises from \$34 to \$36 the maximum weekly benefits for all types of disability and for death. Raises from \$12,500 to \$14,000 the total maximum benefits for permanent partial and permanent total disability and for death.

Raises from \$350 to \$500 the maximum burial allowance.

Provides that an additional \$700 may be awarded, in addition to the present \$1,800, for unusual medical or hospital expenses.

Amends the definition of "employee" to include the president, any vice president, secretary, treasurer, or other executive officer of a corporate employer.

## TEXAS

Regular Session 1/18/63--5/24/63

## CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 249 (Approved and effective 5/30/63). Raises from 12 to 14 years the age at which a needy child may obtain a work permit from a county judge; requires completion of the seventh grade, rather than the fifth, before issuance of the permit. As before, provides that such permit may not authorize employment in a mill, factory, workshop, place where dangerous machinery is used, mine, quarry, place where explosives are used, or where the child's moral or physical condition may be injured. Also retains the provision that children of any age may work in nonprohibited occupations from June 1 to September 1.

Drops from the child labor law the exemption for employment on farms, ranches, dairies, or other agricultural or stock-raising pursuits. Instead, substitutes an exemption that is limited to "employment at farm labor of the members of the family of a farmer, rancher, or dairyman on their own premises, whether owned or leased."

Makes the parent or guardian of a child who knowingly permits the child to work in violation of the child labor law subject to the same penalties as are already set for employers.

Ch. 367 (Approved and effective 6/5/63). Requires children (between 7 and 16) to attend school for the entire regular school term, and sets the required attendance at 165 days.

## Texas

Formerly, attendance was required for 120 days annually; full-term attendance was required in districts having a city of 375,000 or more population. Newly exempts high school graduates from the compulsory school attendance provision.

### PRIVATE EMPLOYMENT AGENCIES

Ch. 436 (Approved 6/12/63; effective 8/23/63). Limits the existing restriction on the maximum placement fee that may be charged (40 percent of the first month's salary) to cases in which the salary does not exceed \$750 a month, and makes the fee applicable to the "agreed" salary or gross earnings, instead of to the salary. When the earnings exceed \$750 a month, permits the fee to be determined by written contract between the agency and the applicant. Specifically prohibits fees of any kind until placement is made.

### UNEMPLOYMENT INSURANCE

Ch. 200 (Approved 5/21/63; effective 1/1/64). Disqualifies for the duration of the unemployment an individual who left his most recent full-time work for the purpose of attending an established educational institution.

### WAGES--PREVAILING WAGES

H. Con. Res. 8 (Adopted 5/17/63). Resolves that a Study Committee on Prevailing Wages be established, composed of nine members appointed by the Governor representing management, labor, and the public, to study the existing prevailing wage law to ascertain the need for legislation that would provide an effective means of establishing standard wages for similar work in the same locality, and to report its findings and recommendations to the Governor and the next legislature.

## UTAH

Regular Session 1/14/63--3/14/63

### APPRENTICESHIP

Ch. 53 (Approved 3/1/63; effective 5/14/63). Lowers the minimum age for apprentices from 16 to 15 years. Provides that the annual number of required hours of related instruction may be set by the Apprenticeship Council; formerly they were fixed at 144 hours a year.

## CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 48 (Approved 2/18/63; effective 5/14/63). Makes the prohibition on nightwork from 6 p.m. to 7 a.m. in any occupation (with certain exceptions) applicable to minors under 15 years of age, instead of girls under 18 and boys under 16. (Deletes a conflicting provision which formerly also prohibited nightwork from 10 p.m. to 6 a.m. for boys under 16.)

## UNEMPLOYMENT INSURANCE

Ch. 52 (Approved 2/27/63; effective 7/7/63). Increases the qualifying wage requirement from \$400 to \$700 and changes the qualifying employment requirement to 19 calendar weeks in each of which at least \$20 must be earned (instead of 19 weeks with at least 16 hours or 2 full days of work in each week).

Amends the student disqualification (applicable unless the major portion of the claimant's base-period wages was for services performed while attending school) to apply not only to any week in which the claimant is attending school but also to any week in which he is registered, or on vacation during or between successive quarters or semesters of such school attendance. Continues to exempt from the disqualification an eligible individual attending night school, part-time training course (but not a national defense training course), or a course approved by the commission, and provides that satisfactory attendance and satisfactory progress in a course approved by the commission shall be evidence of availability. Deletes the stipulation that the provisions of the section shall not be construed as to grant benefits to an individual who is not available for substantially full-time work.

Provides that wages in lieu of notice, dismissal and separation payments, and accrued vacation or terminal leave payments shall be considered deductible income.

Increases the taxable wage base from \$3,000 to \$4,200, commencing with calendar year 1964. Revises the tax structure.

## WAGES--PUBLIC WORKS

Ch. 15 (Approved 3/22/63; effective 5/14/63). Requires public works contractors to furnish a payment bond of not less than 50 percent of the contract amount, solely for the protection of persons supplying labor or materials, and a performance bond in the same amount. Specifically authorizes the public body to require additional bond or other security. Formerly, such contractors were required to furnish "a good and sufficient bond" for performance and payment. Provides for a claimant's right to sue under the payment bond where he has a direct contractual relationship with a subcontractor of the contractor furnishing the bond.

WORKMEN'S COMPENSATION

Ch. 49 (Approved 3/12/63; effective 7/1/63). Permits a sole proprietor of any business to elect coverage as an employee.

Raises the maximum weekly benefits for all types of disability and death from a range of \$39-\$52.75 to \$40-\$4.25, according to the number of dependents.

Raises the minimum weekly benefits for temporary and permanent total disability from a range of \$24-\$37.75 to \$25-\$39.25, according to the number of dependents.

Raises from \$39 to \$40 the maximum weekly benefits payable from a special fund, after the employer's liability ceases, to a worker permanently and totally disabled who has cooperated with the Division of Vocational Rehabilitation but who cannot be rehabilitated. Increases from \$735 to \$753 the maximum amount payable for use in the rehabilitation and training of a permanently and totally disabled person.

Raises total maximum benefits for temporary total disability from a range of \$10,931-\$14,757 to a range of \$11,204-\$15,126, according to the number of dependents. Raises from \$8,759 to \$8,978 the total maximum for permanent partial disability, and from \$15,415 to \$15,800 the maximum for permanent total disability.

Raises total maximum death benefits from a range of \$11,211-\$13,707 to \$11,491-\$14,046, according to the number of dependents.

Authorizes the Industrial Commissioner, in cases of a second injury, to appoint a medical panel to determine (1) the total permanent physical impairment resulting from all causes and conditions including the industrial injury, (2) the percentage of permanent physical impairment attributable to the industrial injury, and (3) the percentage of permanent physical impairment attributable to previously existing conditions. Based on report of such panel, the Industrial Commissioner determines the proportionate charges to an employer or the State.

Ch. 50 (Approved 3/12/63; effective 7/1/63). Makes corresponding changes in the occupational disease law with respect to all types of disability and death as are made in the workmen's compensation law by Ch. 49.



# VERMONT

/Regular Session 1/9/63--7/1/63/

## APPRENTICESHIP

Ch. 85 (Approved and effective 5/10/63). Extends the authority of the State Apprenticeship Council to cover all on-the-job training (in addition to apprenticeship training, as before), including the requirement that it establish minimum standards and make provision for registering and approving such programs and agreements, and the authority to issue regulations and certificates of completion of training. Also directs the Department of Industrial Relations to provide for related and supplementary instruction for all on-the-job trainees, as well as for apprentices, as before.

## DISCRIMINATION IN EMPLOYMENT

Ch. 196 (Approved 6/29/63; effective 7/1/63). Makes it an unlawful employment practice for an employer, employment agency, or labor organization to discriminate against any individual with respect to any matter related to his opportunities for employment or labor-organization membership because of his race, color, religion, ancestry, national origin, or place of birth. Makes unlawful such actions as discriminatory advertising by an applicant, employment agency, or labor organization; failure or refusal by an employment agency to classify persons properly or to refer them for employment; or discrimination by a labor organization in limiting, segregating, or qualifying its membership. Makes these provisions applicable also to discrimination in rates of pay by reason of sex.

Exempts actions based on national security regulations established by the United States or the State of Vermont; employment involving a parent, spouse, or child; employment requiring persons of a particular sectarian or religious organization; or employment in domestic service or in particular occupations or positions, where persons of a particular race, color, religion, national origin, or ancestry are required.

Requires the State and its contracting agencies to include in all contracts a provision requiring compliance with the law for work to be performed in the State. Requires the contractor to include a similar provision in all subcontracts.

## INDUSTRIAL RELATIONS

Ch. 188. See Wage Payment and Wage Collection.

TRAINING AND RETRAINING

Ch. 85. See Apprenticeship.

UNEMPLOYMENT INSURANCE

Ch. 84 (Approved 5/7/63; effective 7/1/63). Changes the computation of the weekly benefit amount from a weighted schedule of high-quarter wages to one-half of the claimant's average weekly wage for the highest 20 weeks in his base period. Changes the qualifying requirement from 30 times the weekly benefit amount to at least 20 weeks of work with wages of at least \$20 per week.

Redefines "base period" to mean the 52-week period ending with the day immediately preceding the claimant's benefit year. Will permit any week or weeks in such period in which the claimant had no earnings because of sickness or disability to be excluded from the 52-week count, provided such illness is certified to by a licensed physician. Deletes from the definition of "valid claim" the requirement that he must (for purpose of establishing a benefit year) be partially or totally unemployed.

Ch. 106 (Approved 5/28/63; effective 7/1/63). Effective January 1, 1964, increases the taxable wage base from \$3,000 to \$3,600.

Makes revisions in the tax structure, including an increase in the maximum rate from 2.7 percent to 3.2 percent in 1963, 3.5 percent in 1964, and 4.5 percent in 1965.

Requires a rated employer who fails to make the required reports or payments to pay at the maximum rate of the schedule then in effect.

Ch. 122 (Approved and effective 6/3/63). For the purpose of determining periods of high-level unemployment during which State extended benefits are payable, specifies that any claimant who has received 26 times his weekly benefit amount in a benefit year shall not be counted in determining the ratio of insured unemployment to insured employment for any week.

WAGE PAYMENT AND WAGE COLLECTION

Ch. 188 (Approved 6/27/63; effective 7/1/63).

Ch. 198 (Approved 6/28/63; effective 7/1/63). Extends the application of the wage payment law to all employees and employers by redefining "employee" as any person who works for hire (instead of a mechanic, workingman, or laborer) and by adding a definition of "employer" as a person having employees in his service (formerly the law applied to employers in specified businesses, such as quarrying, mining, or manufacturing).

## Vermont

Makes a conforming extension in the penalty provision, increases the penalty, and extends this provision to apply also to the officers of a corporation. Makes additionally subject to penalty an employer who is a party to a written agreement to provide benefits or wage supplements and who fraudulently fails to pay such benefits to the employee.

Retains the requirement for a weekly payday, with a maximum 6-day holdover period, but permits semimonthly payment to salaried employees if the employer files a statement of such intent with the Department of Industrial Relations, and provides also that an employer, other than in the specified businesses formerly covered by the weekly payday requirement, who applies to the Commissioner before January 1, 1964 shall be granted permission to continue his presently scheduled wage payment practice. Newly specifies that an employee who quits shall be paid on the last regular payday, or if there is no regular payday, on the following Friday, and that discharged employees shall be paid immediately.

### WAGES--EQUAL PAY

Ch. 196. See Discrimination in Employment.

### WORKMEN'S COMPENSATION

Ch. 157 (Approved 6/20/63; effective 7/1/63). Raises from \$4,000 to \$6,000 the maximum compensation for disability and death from silicosis or asbestosis effective at the end of a transitional period. Provides that during such transitional period, the maximum benefits shall start at \$400 and increase at the rate of \$50 a month until \$6,000 is reached. Increases the allowance for burial expenses from \$300 to \$500.

In cases of waivers for occupational diseases, specifies that the aggregate compensation payable for disability and death shall not exceed 60 percent of the then total benefits payable, deleting the former limit of 100 weeks and \$2,000.

Ch. 191 (Approved 6/29/63; effective 7/1/63). Raises from \$36 to \$39 the weekly maximum and from \$18 to \$29 (or average wage if less) the weekly minimum for permanent partial, temporary disability, and death. Also raises other types of benefits: from \$2 to \$2.50 the weekly allowance for each dependent child under 21 in total disability cases; from \$11,880 to \$12,870 the maximum total benefits for permanent total disability or death; and from \$300 to \$500 the maximum burial allowance.

### MISCELLANEOUS

Ch. 200 (Approved and effective 6/29/63). Establishes the Vermont Governor's Committee on Employment of the Handicapped as a permanent committee, composed of 21 members, one each representing the State employment service, the vocational rehabilitation

division of the State board of education, the veterans' administration, and the veterans' employment service, and 17 members appointed by the Governor. Directs the committee to carry on a continuing program to promote the employment of handicapped persons by creating statewide interest in their rehabilitation and employment, and to work in cooperation with the President's Committee on Employment of the Handicapped.

## WASHINGTON

[Regular Session 1/14/63--3/14/63]

[First Special Session 3/15/63--4/6/63]

### APPRENTICESHIP

Ch. 93. See Wages--Prevailing Wages.

Ch. 172 (Approved and effective 3/25/63). Authorizes the supervisor of apprenticeship to promote other types of on-the-job training agreements and projects in addition to apprenticeship agreements. Authorizes the Director of Labor and Industries, through the supervisor of apprenticeship, to enter into agreements with the Federal Government for the development, administration, and servicing of on-the-job training projects and to receive Federal funds for this purpose.

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 19 (Approved and effective 4/17/63). Creates a legislative joint committee on education to study matters relating to education in the State, including student dropouts, community college problems, and other subject areas. Directs the committee to make recommendations for change in practice and law to the Governor and the legislature.

### DISCRIMINATION IN EMPLOYMENT

Ch. 229 (Approved 3/26/63; effective 6/13/63). Amends the law which prohibits the exclusion of women from any business, vocation, profession, or calling pursued by men to prohibit their exclusion from any premises or place of work or employment on account of sex.

### INDUSTRIAL HOMEWORK

Ch. 62. See Occupational Safety and Health.



## INDUSTRIAL RELATIONS

Ch. 28 (Approved 3/11/63; effective 6/13/63). Authorizes employees and employers of public utility districts to enter into collective bargaining relations in the same manner as those in private industry, and permits the public utility district to agree to be bound by the result of the bargaining.

## OCCUPATIONAL SAFETY AND HEALTH

Ch. 62 (Approved 3/22/63; effective 6/13/63). Directs the Director of Labor and Industries to assign adequate personnel to implement, by inspection or otherwise, the provision which requires sanitary conditions and sufficient ventilation, as specified, in every factory, mill, or workshop where machinery is used and manual labor is exercised by way of trade for gain in an enclosed room. Extends the coverage of these sanitation and ventilation requirements to apply to private houses in which employees live and perform gainful manual labor, by dropping the former specific exemption for such private houses.

Ch. 151. See Workmen's Compensation.

## TRAINING AND RETRAINING

Ch. 172. See Apprenticeship.

## WAGES--PREVAILING WAGES

Ch. 93 (Approved 3/25/63; effective 6/13/63). Provides that an apprentice workman on a public works project for whom an apprenticeship agreement has been registered with and approved by the State Apprenticeship Council shall be paid at least the prevailing hourly rate for an apprentice of that trade, but that any other workman not under such an agreement shall be considered a fully qualified journeyman and paid the prevailing journeyman rate.

## WAGES--WAGE GARNISHMENT

Ch. 13 (Approved 3/7/63; effective 6/13/63). Increases the amount of wages exempt from garnishment and specifically extends the application of this provision to women, to persons receiving compensation other than wages or salary, to persons with dependents other than a family, and to persons without dependents. Now exempts \$35 of each week's wages, salary, or other compensation for a person with one or more individuals dependent upon "him or her," plus \$5 for each dependent up to a maximum exemption of \$50 a week. (Formerly, \$20 of each week's wages or

salary was exempted for a person with a "family" dependent upon "him.") Also newly provides an exemption for a person without dependents, set at \$25 a week.

#### WORKMEN'S COMPENSATION

Ch. 29 (Approved 3/11/63; effective 6/13/63). Authorizes the Director of the Department of Labor and Industries to enter into agreements with the appropriate agencies in other States relating to jurisdiction where the contract of employment is in one State and injuries are received in another State, and to enter into similar agreements with Canadian Provinces.

Ch. 151 (Approved 3/25/63; effective 4/1/63). Appropriates up to \$1,750,000 from the accident fund and the medical aid fund to establish at the University of Washington school of medicine an occupational and environmental research facility for testing, research, training, teaching, consulting, and service in the fields of industrial and occupational medicine and health, the prevention of occupational disease, the promotion of safer working environments, and dissemination of information.

#### MISCELLANEOUS

Ch. 118 (Approved 3/25/63; effective 6/13/63). Makes eligible for vocational rehabilitation under the Public Assistance Law a nondisabled vocationally handicapped person who is receiving aid or services from a private agency or from the courts, as well as such a person who is receiving public assistance as before. Provides that public assistance may be denied if, after referral for vocational rehabilitation, such person fails, without good cause, to undergo the necessary training. Provides that persons accepted for vocational rehabilitation from public or private agencies or from the courts shall not exceed 10 percent of all persons accepted for rehabilitation.

### WEST VIRGINIA

/Regular Session 1/9/63--3/11/63/

#### CHILD LABOR AND SCHOOL ATTENDANCE

H. Con. Res. 22. See Training and Retraining

#### TIME OFF FOR VOTING

Ch. 64 (Approved 3/16/63; effective 90 days later). Requires that employees be given not more than 3 hours, if necessary,

(formerly 3 hours or more, if necessary) in which to vote. Provides that if the employee has 3 or more hours of his own time in which to vote and elects to vote during working hours, the employer may make a deduction from his pay for the actual time off; otherwise, as before, no penalty or deduction may be made. Requires that written demand for time off be made at least 3 days prior to the election.

Repeals a special time-off-for-voting provision applying to primary elections; the general provisions now apply to primaries as well as to general and special elections.

#### TRAINING AND RETRAINING

H. Con. Res. 22 (Adopted 2/27/63). Noting, among other observations, that possibly half of the youth of the State do not complete high school and that the State has apparently neglected vocational training, requests the State Board of Education to prepare and submit to the legislature a plan for a system of two-year community post-high school vocational training for graduates and nongraduates of high school, as part of the State education system.

#### UNEMPLOYMENT INSURANCE

Ch. 67 (Approved 3/9/63; effective 7/1/63). Increases the maximum weekly benefit amount from \$32 (for \$3,200 in base-period wages) to \$35 (for \$3,650 in base-period wages). Increases the minimum weekly benefit amount from \$10 to \$12. Increases the qualifying wage requirement from \$500 to \$700.

Changes the disqualification for misconduct from the duration of the unemployment plus 30 days work in covered employment to the week of occurrence and the 6 weeks immediately following. Continues to apply the former disqualification in cases of gross misconduct.

Amends the disqualification provision for pregnancy by providing that a woman be disqualified from the time she quit her job because of pregnancy and until such time as she has been re-employed for 30 days, except that such disqualification shall last no longer than 6 weeks subsequent to the birth of her child if a physician certifies that she is able to work. (The former provision disqualified a woman for the 6 weeks before and the 6 weeks after childbirth, provided that a physician certified that she was able to work.)

Extends coverage to employing units with a payroll of \$5,000 in any quarter or \$20,000 in a year or with 10 or more employees in any 3 weeks of a calendar year.

## West Virginia

Exempts from coverage services performed by agents of mutual fund broker-dealers or insurance companies, exclusive of industrial insurance agents or by agents of investment companies, who are compensated solely by commission.

Makes revisions in the tax structure.

## WISCONSIN

Regular Session met 1/9/63; last recessed 11/21/63 until 4/13/64

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 135 (Approved 6/24/63; effective 7/3/63). Among other provisions, authorizes school boards to accord resident status, for the purpose of attending summer classes, to children living in the district during the summer even though they were not regular residents during the preceding regular school session. Prohibits tuition charges for such children, but provides that such students who are not legal residents of the State shall not be counted in computing State aid to the district. (This law would apply to migrant children but is not limited to them.)

Ch. 239 (Approved 8/6/63; effective 8/14/63). Reduces from 18 to 16 years the minimum age set by statute for the employment of girls in restaurants, but specifically permits this age to be raised to 18 years by local ordinance. (Formerly, the 18-year minimum for girls in restaurants was the same as the 18-year statutory minimum for minors in any establishment in which liquor is manufactured, bottled, stored, sold, or given away. However, the Administrative Code modification of these minima had permitted the employment of girls in restaurants at age 17 on condition that their employment did not involve handling liquor. The present statute, setting a 16-year minimum for girls in restaurants, retains the 18-year minimum in establishments handling liquor; the 1963 revision of the Administrative Code continues to permit the employment of girls in restaurants at age 17 on condition they do not handle liquor, but makes this modification specifically applicable to restaurants which dispense and/or serve liquor.)

### MIGRATORY WORKERS

Ch. 135. See Child Labor and School Attendance.

### OCCUPATIONAL SAFETY AND HEALTH

Ch. 264 (Approved 8/17/63; effective 8/25/63). Authorizes the Governor, after the legislative council determines it is in



## Wisconsin

the State's interest to do so and after a finding by the Governor and the Atomic Energy Commission as to the adequacy of the State's regulatory program, to enter into an agreement with the Federal Government for transfer to the State of certain responsibilities for control of sources of ionizing radiation.

Directs the legislative council to study the problem of liability created by the installation of nuclear facilities, and to report its findings and recommendations to the 1965 legislature.

### UNEMPLOYMENT INSURANCE

Ch. 145 (Approved 6/27/63; effective 6/30/63). Provides that, whenever the maximum weekly benefit amount is increased or decreased, the maximum weekly benefit rate of any existing benefit determination shall be likewise increased or decreased, but only to the extent of \$1.

Determines a claimant's benefit rights for a full benefit year instead of making a separate determination based on employment with each employer in the base period. Defines "base period" as the 52 weeks immediately preceding a valid new claim week; "benefit year" as the 52 weeks which begin with a valid new claim week. Extends the base period or benefit year if a claimant's receipt of disability or termination pay would otherwise reduce his benefit rights. Includes in the definition of "52 consecutive weeks" the 53rd week ending in a calendar year for the purpose of any determination issued as to an employee's base period or benefit year.

Disqualifies an individual who terminates his employment to accompany his spouse to a different location until he has again been employed within at least 4 weeks and has earned at least \$200. Disqualifies for any week of unemployment an individual claiming benefits based on employment by a firm in which he or his family have substantial control unless he establishes that he has made an active search for work during such week.

Requires partially unemployed (as well as totally unemployed) claimants to register and be available for work in order to be eligible for benefits.

Provides that when a strike or labor dispute at an establishment ends on a Sunday, it shall not be deemed to be in active progress in the calendar week beginning on that Sunday as to any employee of that establishment who did not normally work on Sundays.

Adds to the present pregnancy disqualification an additional provision that a woman shall continue to be ineligible until she has had 30 hours of employment in a week unless she establishes that she has made an active and bona fide search for employment.

## Wisconsin

Excludes from "wages" the amount of an individual's retirement payment which was financed by his own contributions if such amount is separately calculated or can be reasonably estimated. If the amount of the employee's contribution cannot be readily estimated, would use an estimate of \$5 as the employee's contribution. Previously, all but \$5 of the weekly benefit rate of all retirement payments was treated as "wages."

Provides, for purposes of allocating an individual's vacation pay, that in addition to the use of his approximate full weekly wage rate, any generally accepted basis of allocation may also be used.

Delays for 6 years the termination of an employer's coverage (other than an employer who ceased to exist, or who transferred his entire business, or who had originally elected to be covered) if his annual payroll was \$20,000, or if his account was overdrawn on any computation date.

Requires a new employer, whose yearly payroll exceeds \$20,000, to pay during the first 3 years of liability, in addition to 2.7 percent, a tax of 1.3 percent of payrolls if at the end of any such year, or the succeeding June 30 computation date, his account is overdrawn.

Authorizes the commission to continue to pay training allowances and related payments to trainees under the Manpower Development and Training Act from Federal funds, or if required by Federal law, from matching State money; and to participate in any Federally financed program of extended benefits for periods of recession. Also authorizes participation in any extended benefits program in which the Federal Government pays at least 50 percent of the cost, except that extended benefits may not be paid for any week ending after July 3, 1965.

Provides that State unemployment compensation may be paid to a worker who may be later determined to be an adversely affected worker under the Trade Expansion Act of 1962, but that if a Federal allowance becomes payable to him, and the State unemployment compensation fund is reimbursed, the worker's benefit credits shall be restored and the reimbursement credited to the proper employer's account.

Makes revisions in the tax structure, including (1) an increase in the maximum tax rate from 4.0 percent to 4.2 percent in 1965 and to 4.4 percent in 1966, and (2) repeal of the provision under which tax rates are reduced following periods of high benefit costs.

## WAGES--PREVAILING WAGES

Ch. 457 (Approved 12/24/63; effective 1/4/63). Extends coverage of the prevailing wage law, which formerly applied only

## Wisconsin

to public building contracts (and to highway and bridge contracts, under separate provisions), to apply also to repair of public buildings, to any other public work project, and to all such projects when sponsored by public building corporations.

Brings the provisions for buildings and other works projects into conformity with existing provisions for highways by substituting an "area" base for the former "county" base in computing prevailing wages; and by dropping the former 8-hour maximum workday, requiring instead the payment of time and one-half the basic rate for work in excess of the prevailing hours, which may not be deemed to be more than 8 a day and 40 a week.

Among other revisions, requires the employer to post conspicuously on the project the prevailing hours, wages, hourly basic rates, and all occupations involved in the project.

### WAGES--WAGE GARNISHMENT

Ch. 396 (Approved 11/27/63; effective 12/5/63). Raises the subsistence allowance payable to an individual whose wages or salary are subjected to a garnishment action from \$15 to \$20 for an individual without dependents and from \$25 to \$40 for one with dependents. Retains the provision which limits such allowance to 50 percent of the wages or salary owing.

### WORKMEN'S COMPENSATION

Ch. 281 (Approved 8/28/63; effective 10/1/63). Increases from \$85.72 to \$91.43 the maximum average weekly earnings to be used in computing benefits for temporary disability, permanent total disability, and death, and from \$61.07 to \$63.57 for permanent partial disability. Thus, raises maximum weekly benefits from \$60 to \$64 for temporary and permanent total disability, and from \$42.75 to \$44.50 for permanent partial disability, and raises weekly death benefits from \$42.86 to \$45.72 exclusive of any benefits for children. Raises from \$17,144 to \$18,286 the total maximum death benefits, exclusive of benefits for children. Raises from \$350 to \$500 the burial allowance.

Specifies that the term "injury" shall include damage to a hearing aid, if a personal injury also results from the same accident.

Specifies that there shall be no time limit for compensability for injury or death due to exposure to ionized radiation, deleting the former 25-year period from the date of injury.

Provides for reimbursement for payments made under a non-industrial insurance policy when it is established that such payments were improper, or when the claimant consents.

## WYOMING

Regular Session 1/8/63--2/16/63

### CHILD LABOR AND SCHOOL ATTENDANCE

Ch. 181 (Approved 2/25/63; effective 5/17/63). Amends several provisions of the child labor law. Directly sets a 16-year minimum age for employment in any occupation or service when the school in which the child is enrolled is in session; formerly, the law prohibited the employment of a child required to attend school when the public schools of the child's residence were in session. Drops the 6-day week and the 48-hour weekly maximum for children under 16, sets an 8-hour maximum in a 12-hour period instead of one day. For children under 16, drops the prohibition on nightwork between 7 p.m. and 7 a.m. and, instead, prohibits nightwork between 10 p.m. (12 midnight before nonschool days) and 5 a.m., and specifically permits 14- and 15-year olds not enrolled in school to work for an 8-hour period between 5 a.m. and 12 midnight. For girls of 16 and 17, prohibits nightwork between 12 midnight and 5 a.m., rather than between 10 p.m. and 7 a.m.

Adds a provision specifically making it unlawful to employ a child under 16 without a work permit; and makes several changes pertaining to certificate issuance, such as deleting the prerequisite of 8th grade completion and a school record, adding an express prohibition against giving the permit to the child, and specifically authorizing the issuing officer to refuse to issue a permit where the employment would be contrary to the law.

Removes over 25 specified machines and occupations from the list of hazardous occupations prohibited for children under 16, continues and broadens the prohibition on work involving dangerous chemicals or explosives, and adds to the prohibited list work on heavy construction equipment. Retains the present authority of the Child Labor Commission (composed of the labor commissioner, superintendent of public instruction, and secretary of board of health) to declare occupations hazardous for children under 16.

Newly designates the labor commissioner as the child labor commissioner and specifically makes him responsible for enforcement of the child labor law. (Already in the law is a general provision making it the duty of the labor commissioner to enforce all labor laws.)

### INDUSTRIAL RELATIONS

Ch. 39 (Approved 2/8/63; effective 5/17/63). Provides that no person shall be required to become or remain a member of a labor organization, or to abstain or refrain from such membership, or be required to pay or refrain from paying any dues, fees, or other charges of any kind to a labor organization, as a condition of employment. Further provides that no person shall be



## Wyoming

required to have any connection with, or be recommended or approved by, or cleared through, any labor organization as a condition of employment. Establishes penalties for violation and liability for damages.

### STATE DEPARTMENT OF LABOR

Ch. 181. See Child Labor and School Attendance.

### UNEMPLOYMENT INSURANCE

Ch. 121 (Approved 2/20/63; effective 7/1/63). Reduces from 55 to 50 the percentage for computing the maximum weekly benefit amount. Repeals the provision for dependents' allowances.

Adds an additional qualifying requirement of 26 weeks of covered employment, with 24 hours and \$18 in each week.

Changes the partial earnings limitation from one-half of the claimant's weekly benefit amount to \$10.

Limits an interstate claimant's weekly benefit amount to 75 percent of the amount computed under the Wyoming law or the maximum weekly benefit amount of the State in which the claimant files his claim, whichever is lower.

Adds a seasonal work provision to limit benefits based on "seasonal wages" to the normal seasonal period of the industry, and not to exceed 30 percent of wages paid for insured seasonal work.

Changes the disqualification for the three major causes from a flat number of weeks to forfeiture of all accrued benefits. Exempts from the disqualification for voluntary leaving an individual who leaves his employment in good faith to accept better employment, and remains in the new employment for not less than 12 weeks.

Eliminates consideration of "prior training, experience, and prior earnings" from the suitable work provision.

Provides for a reduction in the weekly benefit amount by the amount of: (1) retirement payments received under Title II of the Social Security Act, and (2) retirement income received by the individual and financed at least in part by a base-period employer.

Increases the time allowed for filing appeals with the agency from 7 to 10 days and permits appeals from agency decisions to any district court in the State.

## Wyoming

Establishes a surtax, not to exceed .5 of 1 percent, against all employers to compensate for noncharges and ineffective charges, thereby increasing the maximum tax rate from 2.7 percent to 3.2 percent.

### WORKMEN'S COMPENSATION

Ch. 25 (Approved 2/7/63; effective 5/23/63). Provides compulsory coverage for professional nurse employees, except private duty nurses. (Already covered were "all persons employed for compensation by hospitals, except those persons employed solely in a clerical or managerial capacity.")

Ch. 168 (Approved 2/25/63; effective 7/1/63). Adds to the extrahazardous occupations for which the workmen's compensation act provides compulsory coverage: city or town clerical and other office employees who may be exposed to extrahazardous activities and are so reported on the payroll; driver license examiners and field supervisors of the motor vehicle department having law enforcement commissions; sanitary engineers and sanitarians of the Wyoming public health department; public health nurses and public school nurses.

## UNITED STATES

### 88th Congress--First Session

Public Law 88-2 (Approved 3/28/63). Extends for four years, from July 1, 1963 through July 1, 1967, the following provisions of law: (1) the authority under the Universal Military Training and Service Act to induct persons into the Armed Forces; (2) the authority under that Act to issue selective service calls for physicians and dentists and allied specialists; (3) the suspension of permanent limitations on the active duty strength of the Armed Forces (Act of August 3, 1950, as amended); (4) the authority to pay a quarters allowance to certain enlisted members of the Armed Forces with dependents (Dependents Assistance Act of 1950, as amended); and (5) the authority for special pay to physicians, dentists, and veterinarians. (37 U.S.C. 302, 303).

Public Law 88-31 (Approved 5/29/63). Amendments to the Social Security Act and the Internal Revenue Code--Employment Security and Administrative Expenses. Makes three basic changes in Federal laws affecting unemployment compensation; reduces the extra Federal unemployment tax attributable to the Temporary Extended Unemployment Compensation Act of 1961; establishes a new formula for fiscal years following 1963 for determining the limitation on grants to the States to cover administrative costs of the State employment security agencies; and extends from 5 to 10 years the period during which States may obligate certain funds for administrative purposes. Also increases by \$7,148,000 the ceiling on amounts which may be granted to States for administrative expenses for the balance of fiscal 1963.

## United States

Public Law 88-38 (Approved 6/10/63). Equal Pay Act of 1963, enacted as an amendment to the Fair Labor Standards Act. Declares that wage differentials based on sex depress wages and living standards necessary for health and efficiency, constitute an unfair method of competition, prevent full use of labor resources, cause labor disputes, and burden commerce.

Prohibits an employer, in industries engaged in commerce or in the production of goods for commerce, from discriminating within an establishment between employees on the basis of sex by paying employees of one sex at a lesser rate than is paid to employees of the opposite sex for equal work requiring equal skill, effort, and responsibility, and performed under similar working conditions. Excepts from this prohibition payments made pursuant to: (1) a seniority system, (2) a merit system, (3) a system basing earnings on quantity or quality of production, (4) a differential based on some factor other than sex. Prohibits an employer from reducing the wage rate of any employee in order to comply with the provisions of the act. Prohibits labor organizations from causing an employer to discriminate against an employee in the payment of wages on the basis of sex.

Provisions of the Fair Labor Standards Act apply: (a) to authorize employee suits to collect back wages and up to an amount equal to back wages as liquidated damages; (b) to authorize the Secretary of Labor, upon written requests of employees, to bring suit for back wages; and (c) to authorize the Secretary to seek injunctions for violations of the Act.

The effective date of the Act is June 10, 1964, except as to employees covered by bona fide collective bargaining agreements negotiated 30 or more days prior to its passage, it is effective upon termination of the agreement or at the end of 2 years from the date the law was enacted, whichever is earlier.

Public Law 88-65 (Approved 7/17/63). ILO Constitution: Joint Resolution Providing for Acceptance by United States of Instrument for Amendment of ILO Constitution. On June 22, 1962, at its forty-sixth session, the International Labor Conference adopted an instrument for the amendment of the Constitution of the International Labor Organization. The instrument of amendment was submitted to both Houses of Congress, since this Government's original acceptance of membership in the International Labor Organization was taken upon the authorization of the two Houses of Congress by joint resolution.

The instrument of amendment increases the size of the Governing Body of the International Labor Office from forty to forty-eight members to reflect the growth and composition of the membership of the organization since 1954. The instrument reflects this situation by making possible fuller representation in the Government, employer, and worker groups in the Governing Body from all parts of the world. Of the twenty-four Government



## United States

representatives on the Governing Body, ten will continue to be appointed by the members of chief industrial importance, and fourteen will be appointed by the members selected for that purpose by the Government delegates to the Conference.

Public Law 88-108 (Approved 8/28/63). Joint Resolution Providing for the Settlement of Railroad Labor Dispute. Provides ad hoc legislation for final disposition of the principal unresolved issues; namely, the fireman (helper) and crew-consist issues. Establishes a 7-man arbitration board to render a decision on the principal issues, to resolve other matters in dispute, to include in its award those matters on which the parties were in agreement, and to give due consideration to those matters on which the parties were in tentative agreement. The resolution also: (1) prohibits the parties from making any changes in pay, rules, or working conditions except by agreement or in accordance with an award made pursuant to the resolution; (2) requires the Secretary of Labor to furnish certain statements, memoranda, and other data to the board setting forth the matters to which the parties were in tentative agreement and the extent of disagreement on other matters; (3) provides that the arbitration be conducted pursuant to sections 7 and 8 of the Railway Labor Act and the award made subject to section 9; (4) provides that the board begin hearings no later than 30 days after enactment of the resolution and that the award be made and filed not later than 90 days after enactment, with the award to become effective 60 days after filing in the U. S. District Court for the District of Columbia and to be in effect for a period determined by the Board, but not to exceed two years unless otherwise agreed to by the parties; (5) requires the Board in making its award to give due consideration to its effect on adequate and safe transportation to the public as well as the interests of the carriers and employees affected; (6) requires the parties to continue collective bargaining on all issues with the assistance of the Secretary of Labor and the National Mediation Board; and (7) makes the obligations imposed by the resolution enforceable upon suit of the Attorney General, with the resolution expiring 180 days after enactment except with respect to the period of the award as determined by the Board.

Public Law 88-129 (Approved 9/24/63). Health Professions Educational Assistance Act of 1963. Authorizes a 3-year program of matching grants to public or other nonprofit schools of medicine, dentistry, etc., for the construction of teaching facilities for the training of physicians, dentists, nurses, and professional public health personnel as well as for pharmacists, optometrists, and podiatrists. Authorizes the construction of new schools and the expansion or renovation of existing schools. Conditions construction grants upon assurances that any laborer or mechanic employed on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. Also authorizes a 3-year program of loans to students of medicine, dentistry, and osteopathy.



Public Law 88-133 (Approved 10/5/63). Amendments to the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, and the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961. The purpose of this measure is to restore the railroad retirement and railroad unemployment insurance systems to a satisfactory financial condition. The amendments are designed to reduce the current actuarial deficit in the railroad retirement system, and to improve the financial condition of the railroad unemployment insurance system so that the need to borrow funds from the railroad retirement account will soon be ended and the existing indebtedness to the account can be liquidated. Among other provisions, increases the taxes paid by employers and employees to support the systems, tightens qualifications for unemployment benefits, and provides for gradually raising retirement benefits.

(The railroad retirement system, established in its present form by the Railroad Retirement Act of 1937, provides retirement annuities to employees in the railroad industry both on the basis of age and disability, annuities for employees' spouses, and annuities and lump-sum benefits for their survivors. The Railroad Unemployment Insurance Act, enacted in 1938, provides benefits for unemployment, whether resulting from lack of work or sickness, and maternity benefits for female employees. Both systems are administered by the Railroad Retirement Board.)

Public Law 88-152 (Approved 10/17/63). Amends the Civil Rights Act of 1957 by extending the life of the Civil Rights Commission for one additional year, from September 30, 1963 to September 30, 1964.

Public Law 88-156 (Approved 10/24/63). Maternal and Child Health and Mental Retardation Planning Amendments of 1963. Provides assistance to States and communities in preventing and combating mental retardation through expansion and improvement of the maternal and child health and crippled children's programs, through provision of prenatal, maternity, and infant care for individuals with conditions associated with child-bearing which may lead to mental retardation, and through planning for comprehensive action to combat mental retardation.

Amends Title V of the Social Security Act to: (1) increase the authorizations for existing programs for maternal and child health and crippled children's services from the present \$25 million each, by steps of \$5 million, to \$50 million each by the fiscal year 1970; (2) authorizes a new 5-year program of grants for maternity care projects designed to prevent mental retardation; and (3) authorize grants or contracts for research projects related to maternal and child health or crippled children's services that show promise of advancing these programs.

Also adds a new Title XVII to the Social Security Act authorizing one-time grants to the States to encourage planning and other activities that promote State and community efforts to combat mental retardation.

Public Law 88-164 (Approved 10/31/63). Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. Authorizes: (1) financial assistance in the construction of research centers and facilities to study methods for preventing and combating mental retardation, with appropriations of \$26 million over the 4-year period beginning in fiscal 1964 for projects grants to pay up to 75 percent of the costs of constructing the research centers; (2) appropriation of \$32.5 million over the same period for project grants to pay up to 75 percent of the costs of constructing college or university associated facilities for the clinical treatment of the mentally retarded and for the clinical training of physicians and other specialized personnel needed for research, diagnosis and treatment, education, training, or care of the mentally retarded; (3) appropriation of \$67.5 million over the 4-year period beginning in 1965 for grants to be allocated among the States (based on population, need for such facilities, and the financial need of the States) to pay the costs of building public facilities for the care of the mentally retarded; (4) Appropriation of \$150 million for the 3-year period beginning in fiscal 1965 for grants to States to pay the costs of building public and other nonprofit community mental health centers; and (5) appropriation of \$45.5 million over a 3-year period beginning in fiscal 1964 to extend and strengthen the existing programs for training teachers of mentally retarded children and deaf children and to expand these programs to include the training of teachers of various other handicapped children, such as the physically handicapped, the speech impaired, and the emotionally disturbed. Also authorizes appropriations of \$2 million for each of the fiscal years 1964 through 1966 for research and demonstration projects in the education of handicapped children.

Requires that all laborers and mechanics employed by contractors and subcontractors on construction work financed by these grants be paid at least the prevailing wage determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Public Law 88-173 (Approved 11/7/63). (The Temporary Unemployment Compensation Act of 1958 (TUC) provided for temporary additional unemployment compensation for covered employees who had exhausted their benefits under State and specified Federal laws. The TUC program was financed by Federal money made available to the States out of the general funds of the Treasury. Provision was made in the Act for the ultimate restoration to the Treasury of such amounts by temporarily increasing the amount of Federal unemployment taxes paid by employers. Some States have also received repayable advances from the Federal Government under Title XII (Advances to State Unemployment Funds) of the Social Security Act.)

Facilitates the restoration to the Treasury of moneys made available to the States, by modifying the rate of employer restoration and by permitting installment restoration by a State in lieu of additional employer taxes. The effect is to provide a "stretch-out" for restoration of the amounts involved under TUC and Title XII.

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Public Law 88-203 (Approved 12/13/63). Extension of Mexican Farm Labor Program. Amends Title V of the Agricultural Act of 1949, as amended, generally referred to as Public Law 78. Extends for one year, until December 31, 1964, the Mexican farm labor program. (Title V authorizes a program of recruitment and employment of Mexican nationals for temporary or seasonal jobs in agriculture in the United States. Employment of the aliens is conditioned upon findings of the non-availability of qualified domestic workers, absence of adverse affect upon the wages and working conditions of domestic workers; and efforts to attract domestic workers at wages and certain working conditions comparable to those required for the Mexicans.)

Public Law 88-204 (Approved 12/16/63). Higher Education Facilities Act of 1963. Provides Federal assistance for institutions of higher education by grant or loan of funds for the construction, renovation, and improvement of academic and related facilities in both undergraduate and graduate schools.

For grants to States for construction of undergraduate academic facilities, authorizes \$230 million for each of the fiscal years 1964 through 1966, and in the two following years such sums as may be authorized by the Congress. Of these funds, 22 percent is to provide academic facilities for public community colleges and public technical schools and 78 percent for other schools of higher learning. Fixes the Federal share of costs at 40 percent for public community and technical school projects but only up to 33-1/3 percent for other higher education projects.

To assist in improving existing graduate schools and in the establishment of others, authorizes the expenditure, through grants to institutions of higher education and graduate center boards, of \$25 million in fiscal 1964, \$60 million each in 1965 and 1966, and in 1967 and 1968 such sums as may be authorized by the Congress. For the construction of such projects sets the Federal share at up to 33-1/3 percent of the costs.

Also authorizes the appropriation of \$120 million for each of the fiscal years 1964 through 1966, and an undetermined sum the following two years, for loans to institutions of higher education for the construction of academic facilities. Provides that in no instance will the Federal Government finance more than 75 percent of a project, that all loans must be repaid within 50 years, and that the design and materials used in the construction must be neither elaborate nor extravagant.

Requires that all laborers and mechanics employed by contractors and subcontractors on construction work financed by these loans or grants be paid at least the prevailing wage determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Public Law 88-210 (Approved 12/18/63). Amendments to Vocational Education Program, National Defense Education Act of 1958, and Public Laws 815 and 874, 81st Congress. Deals with the expansion



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and improvement of vocational education, a 1-year extension of the National Defense Education Act of 1958, and a 2-year extension of legislation providing Federal aid to impacted areas.

Vocational education.--Authorizes \$806 million for the fiscal years 1964 through 1968 for Federal grants to the States to enable them to maintain, extend, and improve existing programs of vocational education, to develop new programs, and to provide part-time employment for youths who need these earnings in order to continue their vocational training. (These funds are in addition to the \$57 million per year currently provided for vocational education under the Smith-Hughes and George-Barden Acts.) Ninety percent of these additional funds are to be allotted among the States on the basis of the number of persons in the various age groups needing vocational education and the per capita income of the respective States; 10 percent is to be used by the Commissioner of Education to make grants to colleges and universities, State boards, etc., to assist in defraying the costs of research and training programs and of experimental, developmental, or pilot programs designed to meet the needs of youths, especially those in economically depressed communities who have academic or other handicaps which prevent their succeeding in regular vocational education programs.

State allotments may be used for the vocational training of those in high school, those who have completed high school or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, or those with special educational handicaps. The funds may be used for the construction of area facilities for vocational education, or for related services such as teacher training, program evaluation, etc.

Requires cooperative arrangements between the system of State public employment offices and State and local educational authorities--the employment offices to make occupational information available to the educational authorities which they will consider in providing State guidance and counseling to students and in determining the occupations for which persons are to be trained, and the educational authorities to make available to the employment offices information on the occupational qualifications of those who leave or complete training for consideration by the employment office in its occupational guidance and placement programs.

In addition, authorizes \$150 million through June 30, 1967 for residential training schools and work-study programs for youths aged 15 to 21. Also makes permanent Titles II and III of the Vocational Education Act of 1946 relating to practical nurse training and the training of highly skilled technicians, continuing the Title II annual authorization of \$5 million and the Title III annual authorization of \$15 million.

Establishes in the Office of Education an Advisory Committee on Vocational Education to consist of the Commissioner of Education,



## United States

a representative from each of the Departments of Commerce, Agriculture, and Labor, and 12 members appointed by the Commissioner from persons knowledgeable in the field of vocational education. Provides for the appointment by the Secretary of the Department of Health, Education, and Welfare of advisory councils to provide periodic reviews of vocational education programs and law.

Makes the prevailing wage provisions of the Davis-Bacon Act applicable to all construction work undertaken pursuant to this portion of the legislation.

Extension of National Defense Education Act.--Extends for one year the National Defense Education Act of 1958, which provided a 7-year, \$1 billion program of loans and grants to the Nation's students and schools. Increases the college loan fund from \$90 million to \$125 million in fiscal 1964 and to \$135 million the next year. Increases from \$250,000 to \$800,000 the amount any one college may borrow.

Extension of federally impacted areas legislation.--Extends Federal aid to federally impacted school areas for an additional 2 years and authorizes \$527,600,000 for this program.

Public Law 88-214 (Approved 12/19/63). Manpower Development and Training Act Amendments. Authorizes the Secretary of Labor to provide a new special program for the testing, counseling, selection, and referral of youths, 16 years of age and older, for occupational training and further schooling who need such training and schooling in order to qualify for and obtain employment.

This law also: (1) authorizes the Secretary of Labor to refer eligible persons for attainment of basic education skills to enable them to pursue occupational training of a type for which there appears to be reasonable expectation of employment, and provides up to 20 additional weeks of training allowances for such persons; (2) as an incentive to encourage participation in training programs, provides for supplemental training allowances of \$10 a week more than the allowances based on the State unemployment compensation rate; and permits a full-time trainee to work up to 20 hours a week without reducing his training allowance; (3) reduces the 3-year work experience requirement to 2 years and extends eligibility for training allowances to any member of a household in which the head of the household or the head of the family is unemployed, provided that only one family member at a time receives training allowances; (4) lowers the eligible age for a training allowance from 19 to 17 by permitting allowances not in excess of \$20 a week to high school graduates 17 years of age or older, or to school dropouts if the Secretary of Labor is satisfied that they have continuously failed to attend school for at least 1 year and there is a finding by local authorities that further school attendance by them in any regular academic or vocational program is no longer practicable under the circumstances.

## United States

Permits up to 25 percent of the persons receiving training allowances to be youths under the age of 22; formerly, only 5 percent of all training allowances could be allocated to youths aged 19 to 22; (5) adds a new section to MDTA, providing that during the period ending June 30, 1965 the Secretary of Labor shall develop and carry out pilot labor mobility demonstration projects in a limited number of geographical areas under which he may provide involuntarily unemployed persons who have bona fide offers of employment (other than temporary or seasonal) with assistance in the form of grants up to 50 percent of their relocation costs or loans, or a combination of loans and grants, up to 100 percent of such expenses. Not more than 2 percent of the funds appropriated for a fiscal year to carry out Title II of the Act, or \$4 million, whichever is the lesser, may be used for this purpose; (6) deletes the provision in Sec. 231, permitting the States to use private educational or training institutions only where public education agencies or institutions are not adequate to provide training, and provides for the use of such private institutions where they "can provide substantially equivalent training with reduced Federal expenditures"; and (7) postpones the State matching requirement which would have become effective for fiscal 1965; instead, continues full Federal financing until June 30, 1966, when the States are to assume one-third of the costs. Increases the appropriation authorizations from \$165 million to \$411 million for fiscal 1965. Authorizes \$281 million for fiscal 1966.

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